

**HIGH COURT OF TRIPURA**  
**\_A\_G\_A\_R\_T\_A\_L\_A\_**  
**TRP(C) No.19 of 2024**

Smt. Papiya Chakraborty, W/O. Sri Diptanu Chakraborty, D/O Sri Basudeb Chakraborty, resident of Tulamura, P.O. Kakraban, P.S. Kakraban, District-Gomati Tripura, Pin-799120.

..... *Petitioner(s)*

V E R S U S

Sri Diptanu Chakraborty, S/O. Sri Trait Lal Chakraborty of Debinagar, P.O. Ranirbazar, P.S. Ranirbazar, District- West Tripura.

..... *Respondent(s)*

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For Petitioner(s) : Mr. Arjun Acharjee, Advocate.

For Respondent(s) : Mr. Bibek Banerjee, Advocate,  
Ms. Laxmi Rani Das, Advocate,  
Ms. Ruma Majumder, Advocate,  
Mr. Chandan Kumar Ray, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

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**05/03/2025**

Heard Mr. Arjun Acharjee, learned counsel for the petitioner and Mr. Bibek Banerjee, learned counsel for the respondent.

Petitioner-wife seeks transfer of T.S. (RCR) 96 of 2024 from the learned Family Court, Agartala, West Tripura to the learned Family Court, Udaipur, Gomati Tripura. Petitioner contends that she has also filed a case under Bharatiya Nyaya Sanhita (BNS) at Kakraban P.S. Case No.48/2024 against the respondent-husband. She is a poor villager with no sources of income and residing with her parents. She has been tortured and compelled to move out of the matrimonial home. Therefore, she would not be in a position to properly contest the suit if it is not transferred to the learned Family Court, Udaipur, Gomati Tripura.

Respondent has appeared on notice. A counter affidavit has also been filed by him. The respondent has taken a specific plea that the petitioner is a regular B.Ed. student of Bhavan's Tripura Teacher Training College, Anandanagar, Agartala, West Tripura for the session 2023-25 and she is residing at Agartala in the house of Smt. Ranjita Sharma, Jail Ashram Road, Dhaleswar-7 for attending her regular classes. It is submitted that if the petitioner is attending the regular B.Ed. classes at Agartala, the plea of inability to attend to the proceedings of the matrimonial suit instituted by the husband before the Family Court, Agartala, West Tripura is untenable on facts. The frequency of classes of any such course is much more than the frequency of the dates in any such proceedings before the Family Court. Therefore, on this ground alone, the prayer may be refused. The petition may be dismissed.

Learned counsel for the petitioner in reply submits that it is a fact that she is a regular B.Ed. student of Bhavan's Tripura Teacher Training College at Agartala for the session 2023-25 but she is not residing in Agartala. The distance between Gomati and Agartala is about 60 km and therefore she finds it onerous to attend to the proceedings of the suit. She has no sources of income. Therefore, prayer may be allowed.

On consideration of the rival submissions of the parties and taking note of the relevant materials placed from record, this Court is of the view that if the petitioner is attending to a regular course of B.Ed. in a college at Agartala for the session 2023-25, the prayer for transfer of the matrimonial suit from the learned Family Court, Agartala, West Tripura to

the learned Family Court, Udaipur, Gomati Tripura is not tenable on facts and in law. It is always open for the petitioner to make a prayer for interim maintenance and cost of proceedings before the learned Family Court which may be considered in accordance with law. However, the prayer for transfer of the suit from the learned Family Court, Agartala, West Tripura to the learned Family Court, Udaipur, Gomati Tripura is declined.

Accordingly, the instant petition is dismissed.

Pending application(s), if any, also stands disposed of.

**(APARESH KUMAR SINGH) CJ**

**DIPESH DEB**

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