

HIGH COURT OF TRIPURA
AGARTALA

Tr.P (Crl.) No.4 of 2025

1. Sri Kishan Das,
S/o. Sri Rakesh Das,

2. Smt. Anjali Das,
W/o. Sri Rakesh Das,

3. Sri Rakesh Das,
S/o. Late Suryakanta Das,
Residents of Aralia, Gurudaspara,
PS- West Agartala, District- West Tripura.

.....Petitioner(s).

Vs.

Smt. Paramita Biswas,
W/o. Sri Kishan Das,
D/o. Sri Niru Biswas,
Resident of North Krishnapur,
PO- M.T. Para, PS- Teliamura,
District- Khowai Tripura,
Ph- 7005489773 (m).

.....Respondent(s).

Along with
Tr.P (Crl.) No.5 of 2025

1. Sri Kishan Das,
S/o. Sri Rakesh Das,

2. Smt. Anjali Das,
W/o. Sri Rakesh Das,

3. Sri Rakesh Das,
S/o. Late Suryakanta Das,
Residents of Aralia, Gurudaspara,
PS- West Agartala, District- West Tripura.

.....Petitioner(s).

Vs.

Smt. Paramita Biswas,
W/o. Sri Kishan Das,
D/o. Sri Niru Biswas,
Resident of North Krishnapur,
PO- M.T. Para, PS- Teliamura,
District- Khowai Tripura,
Ph- 7005489773 (m).

.....Respondent(s).

For Petitioner (s) : Mr. Debjyoti Debnath, Advocate.

For Respondent(s) : None.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Order

28/01/2026

Both the petitions are heard together and being disposed of by this order.

Heard Mr. Debjyoti Debnath, learned counsel appearing for the petitioners.

The respondent, despite service of notice, has not appeared.

Petitioner No.1 is the husband of the respondent, and petitioner No.2 & 3 are his parents. The respondent filed one petition under the provision of the Protection of Women from Domestic Violence Act, 2005, bearing No.CR (D/V) 13 of 2025 in the Court of the learned Chief Judicial Magistrate, Khowai. In the said proceeding, she has also filed another petition praying for interim maintenance, which has been registered as CrI.Misc(D) Int. 08 of 2025. Now, by these two petitions filed in the High Court, the petitioners have prayed for transfer of both the cases at Agartala.

Admittedly, the respondent-wife is residing at Krishnapur under P.S. Teliamura, District- Khowai, in her paternal house, whereas the husband and his parents are residing at Aralia, Agartala.

Mr. Debnath, learned counsel submits that the petitioner No.1 is working in a poultry farm and earning a very paltry sum, for which there will be serious financial constraint on him to attend both the proceedings at Khowai Court, incurring expenditure. Moreover, the cause of action has arisen within the jurisdiction of the Court of the learned Chief Judicial Magistrate, West Tripura, Agartala. Learned counsel further submits that both the petitioner Nos.2 & 3 are aged persons, which also creates inconvenience for them to attend the Court at Khowai. Therefore, on these grounds, learned counsel submits that both the cases, CR (D/V) 13 of 2025 and CrI.Misc(D) Int. 08 of 2025, may be transferred in the Court of the learned Chief Judicial Magistrate, West Tripura, Agartala.

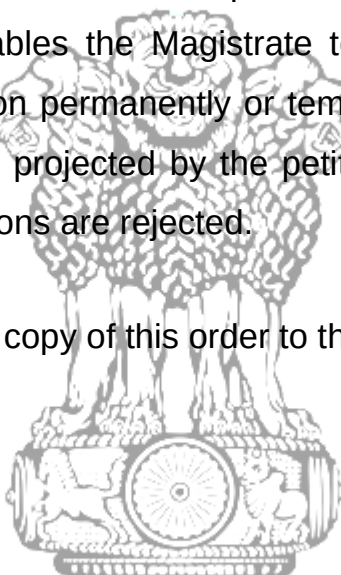
Considered the submissions of the learned counsel for the petitioners.

As per Section 27 of the Protection of Women from Domestic Violence Act, 2005, the Court of the Judicial Magistrate First Class or the Metropolitan Magistrate shall be competent to grant protection orders and other orders under the Act within whose local limits the aggrieved person resides permanently or temporarily, or carries on business, or is employed, or where the respondent resides or carries on business, or where the cause of action has arisen.

On being asked by the Court, Mr. Debnath, learned counsel submits that when the respondent was residing in her matrimonial home at Agartala, she was a housewife and was unemployed.

Thus, it appears that it will be more onerous for the wife to come to Agartala to attend the Court than the petitioner No.1, who is an earning person. The law also enables the Magistrate to entertain such a petition where the aggrieved person permanently or temporarily resides. Therefore, the grounds of transfer as projected by the petitioners are not satisfactory. Accordingly, both the petitions are rejected.

Communicate copy of this order to the learned Trial Court.



सत्यमेव जयते

JUDGE

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