

Party Name : SMT. SUSMITA PAUL (RAY) Vs SANJOY ROY

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant petition is filed by the petitioner wife for transferring the TS(RCR) 16 of 2014 from the file of the learned Judge, Family Court, Udaipur, Gomti district to the file of the learned Judge, Family Court, Agartala, West Tripura district for disposal in accordance with law.

Heard Mr. Chakraborty, learned counsel for the petitioner as well as Mr. Bhowmik, learned senior counsel assisted by Mr. R. Datta, learned counsel for the respondent.

It is contended in the instant petition that the petitioner is at present residing at her parental house at Agartala as she is not looked after by her husband, respondent herein. More so, she was tortured by the respondent-husband while she was in her matrimonial home. It is also stated that she lodged a complaint with the women P.S. Udaipur under Section 498 A of the IPC which was registered as women P.S case No. 113 of 2014 which is at present under investigation.

While she was residing in her parental house, the respondent filed a suit being TS (RCR) 16 of 2014 before the Court of the learned Judge, Family Court, Udaipur, Gomti district for restitution of conjugal right. In her petition she has stated that she is now residing in her parental house along with her minor female child and she cannot move alone and she also feels insecure to attend the Family court at Udaipur in the aforesaid title suit being the respondent husband is an arrogant person and that he may cause any harm to her and her female baby if she goes to Udaipur to appear before the family court at Udaipur in the aforesaid case.

The respondent did not file any objection by way of filing any affidavit opposing the prayer for transfer.

Mr. Chakraborty while urging for withdrawing the aforesaid suit from court of the Family Judge, Udaipur and transfer the same to the court of Family Judge, Agartala would contend that the petitioner is feeling insecure and she is apprehending that the respondent may cause harm to her and her female baby if she goes to Udaipur to appear in the aforesaid case. He further submits that in a matrimonial case filed by the husband against the wife, the court should consider the convenience of the wife.

Mr. Bhowmik, learned senior counsel submits that except the contention that she feels insecure to attend the Family Court, Udaipur, the petitioner did not state any specific incident for which she is feeling insecure to attend the family court. More so, the apprehension of the petitioner is also baseless.

This court has considered the submission of the learned counsel for the parties as well as the contention made in the petition. By this time, it is settled that in a matrimonial case filed by husband against the wife, the convenience of the wife has to be taken into consideration. In the instant case, the petitioner wife is feeling insecure to appear before the learned Judge, Family Court, Udaipur in the aforesaid title suit. This court is also of considered opinion that it would be proper to withdraw the same from the court of the learned Judge, Family Court, Udaipur and transfer the same to the court of the learned Judge, Family Court, Agartala. Accordingly, the aforesaid Title Suit (RCR) 16 of 2014 is withdrawn from the Court of the learned Judge, Family Court, Udaipur and transferred the same to the file of the learned Judge, Family Court, Agartala to decide the suit in accordance with law.

The learned Judge, Family Court, Udaipur shall send the records of the aforesaid suit to the Court of the learned Judge, Family Court, Agartala and upon receipt of the records, the learned Judge, Family Court, Agartala shall issue notice upon the parties for their appearance and after their appearance, shall decide the said suit in accordance with law.

With the aforesaid order, the instant petition is disposed of.