

S/L 61
02.9.2022
Court No.652
SD

CO 696 of 2019

Sunanda Mondal (Saha)
Vs.
Sanjoy Kumar Mondal

Mr. Somnath Banerjee
Mr. Apurba Ghosh

...for the Petitioner.

Mr. Anirban Chakraborty

...for the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure is at the instance of the wife/petitioner seeking transfer of Matrimonial Suit No.470 of 2018 pending in the Court of learned Additional District and Sessions Judge, Durgapur to the court of learned Additional District and Sessions Judge, Rampurhat, Birbhum.

The petitioner's case is that on 14.8.2016 the marriage between the petitioner and the opposite party was solemnized according to Hindu rites and customs. But after marriage, the opposite party started inflicting physical and mental torture upon the petitioner on demand of dowry. As such, the petitioner was compelled to leave her matrimonial home on 30.6.2018. Thereafter, the petitioner constrained to live at her parental home situated at Rampurhat. The petitioner also filed an application under Section 125 of the Code of Criminal Procedure before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum against the opposite party herein being Misc. Case No.394 of 2018. Another proceeding under Section 498A of the Indian Penal

Code read with Section 3 and 4 of the Dowry Prohibition Act filed by the petitioner is also pending before the Rampurhat Court.

The opposite party/husband namely, Sanjoy Kumar Mondal thereafter filed a suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act before the court of Additional District Judge, Durgapur at Purba Bardhaman, in order to harass and cause hardship to the petitioner, thereby she will have to travel to Durgapur alone from Rampurhat. Durgapur Court is situated at a distance of about 110 kms. from her residence and it is not possible for the petitioner to attend the proceeding pending before the learned court at Durgapur as presently the petitioner is living under financial hardship. Accordingly, the petitioner has prayed for abovementioned transfer of the proceeding.

Mr. Anirban Chakraborty, learned advocate appearing for the opposite party, submits that his client has got no objection if the said proceeding is transferred to the court of learned Additional District Judge, Rampurhat.

Having considered the facts and circumstances of the case, the prayer made by the petitioner is allowed.

Accordingly, this court directs that the Matrimonial Suit No.470 of 2018 be withdrawn from the Court of learned Additional District and Sessions Judge, Durgapur, Paschim Burdwan and be placed before the learned District Judge, Suri, Birbhum who in turn shall assign the same before the Court of learned Additional District and Sessions Judge,

Rampurhat for the purpose of disposal of the matrimonial suit within a period of four weeks from the date of communication of the order.

The learned Transferee court is requested to give fresh notice to the parties before proceeding with the trial of the matrimonial suit.

With these observations, C.O. 696 of 2019 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)