

21.12.2020
Mithun
List – D/L
Sl. No. 11
Ct. No. 09

CO/396/2019

Rajashree Pal @ Das
-Vs.-
Susanta Pal

Mr. Samiran Mandal, Adv;
Mr. Abhinaba Dan, Adv.

... for the Petitioner.

Mr. Apurba Kumar Dutta, Adv.,
Mr. Kuntal Banerjee, Adv.

...for the Opposite Party.

The wife/petitioner has filed the instant application under Section 24 of the Code of Civil Procedure praying for transfer of Matrimonial Suit No.1479 of 2018 from the Court of learned 2nd Additional District and Sessions Judge, Barrackpore, North 24-Parganas to the Court of the learned Additional District and Sessions Judge, Durgapur, Paschim Bardhaman against her husband, opposite party herein.

Be it mentioned here that the aforesaid matrimonial suit has been filed by the opposite party under Section 13(1)(i) of the Hindu Marriage Act praying for divorce against the petitioner.

In the instant application it is alleged by the petitioner that after marriage she was subjected to physical and mental torture. The opposite party and other matrimonial relations demanded dowry illegally from her paternal home after marriage. Subsequently, sometimes in May, 2018, she was driven out from her matrimonial home. She has no source of income. After being driven out from her matrimonial home she filed a

criminal case under Section 498A and other cognate penal provisions against the opposite party and other matrimonial relations. She also filed an application under Section 125 of the Code of Criminal Procedure praying for maintenance. Both the aforesaid criminal cases are pending in different Courts at Durgapur. According to the petitioner she has no source of income. She solely dependent upon her parents and she will suffer tremendous financial hardship if she is compelled to travel to Barrackpore from Durgapur. Accordingly, the petitioner has prayed for transfer of the said matrimonial suit to the competent Court at Durgapur.

Mr. Apurba Kumar Dutta, learned Advocate for the opposite party, on the other hand submits that the petitioner is suffering from various ailments. Secondly, the mother of the petitioner is also suffering from cancer. The brother of the petitioner is ninety-percent handicraft. Mr. Dutta does not dispute that some criminal cases are pending against the opposite party at Durgapur but submits that the opposite party will also suffer inconvenience if he is compelled to travel Durgapur from Barrackpore. Therefore, he suggests that the aforesaid suit may be transferred to any place in between Barrackpur and Durgapur.

This Court proposes that the Court of the learned District Judge, Bardhaman at Purba Bardhaman should be the right place so far as convenience and other facilities are concerned for both the parties and the aforesaid matrimonial suit may be transferred to the Court of the learned District Judge, Bardhaman at Purba Bardhaman.

Both the learned Advocates for the petitioner and the opposite party have agreed to such proposal.

Therefore, the instant revision is disposed of transferring the matrimonial suit No.1479 of 2018 to the Court of the learned District Judge, Bardhaman at Purba Bardhaman from the 2nd Additional District and Sessions Judge, Barrackpore.

The Department is directed to send copies of the instant order to both the Courts below for information and necessary action.

The parties are also at liberty to act on the server copy of the order passed by this Court.

(Bibek Chaudhuri, J.)