

21.12.2020
Srimanta/Mithun
Sl. No. 14
Ct. No. 09

CO/1234/2019
[Via Video Conference]

Smt. Nabamita Salugu
-Vs.-
Salugu Sai Chandra Sekhar

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

...for the petitioner.

In spite of service of notice the opposite party does not turn up. So, I have no other alternative but to dispose of the instant application *ex parte*. This is an application under Section 24 of the Code of Civil Procedure filed by the wife/petitioner praying for transfer of Matrimonial Suit No. 90 of 2019 from the 6th Court of the learned Additional District Judge, Paschim Medinipur to the Court of the learned District Judge, Paschim Burdwan at Asansol. The said matrimonial suit has been filed by her husband, the opposite party herein.

Marriage between the parties was solemnized according to Hindu rites and ceremonies on 14th November, 2016. After marriage, as per the allegation of the petitioner, she was subjected to physical torture and mental harassment. So, she returned to her paternal home on 3rd February, 2017. Since then she is living at her father's place. As the petitioner has no source of income, she filed an application under Section 125 of the Code of Criminal Procedure in the year 2017 and the said application is pending for disposal in the 4th Court of the learned

Judicial Magistrate at Asansol. At the instance of the petitioner a criminal Case under Section 498A/323/406/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act has been initiated against the opposite party. The said case is also pending before the learned Chief Judicial Magistrate at Asansol. In both the cases the opposite party appeared before the Trial Court and has been contesting the same.

It is further stated by the petitioner that she is residing at Burnpur in the district of Paschim Burdwan. If she wants to come to Paschim Medinipur she will have to travel to Adra by one train and from Adra to Medinipur by another train. It takes about five hours to reach Medinipur from Burnpur. Therefore, the petitioner has prayed for transfer of the aforesaid matrimonial suit on the ground of her physical stress and financial hardship.

It is needless to say that while disposing of an application under Section 24 of the Code of Civil Procedure arising out of a matrimonial proceeding, convenience of the wife should be considered as the paramount consideration. The opposite party has not turned up in spite of service of notice. On the contrary, the opposite party has been contesting the criminal case in the Court of Asansol. Therefore, it is presumed that the opposite party will not face any inconvenience if the suit is transferred to Paschim Burdwan. For the reasons stated above, the instant application is allowed.

Let the Matrimonial Suit No. 90 of 2019 be transferred from the Court of the learned District Judge, Paschim Medinipur to the Court of the learned

District Judge, Paschim Burdwan at Asansol for trial and disposal.

Let a copy of this order be sent to both the Learned Courts below through the Department for information and compliance.

Parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)