

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

Present: The Hon'ble Justice Bibek Chaudhuri

C.O. 1758 of 2019

**Mou Das
Vs.
Sudeb Das**

For the petitioner : Ms. B. Khatun
Mr. Kaushik Chaudhury

Heard on : 24.12.2020

Judgment on : 24.12.2020

Bibek Chaudhuri, J.:

Matrimonial Suit No.154 of 2019 presently pending before the learned Additional District Judge at Kalyani was filed by one Sudeb Das, opposite party herein against the petitioner/wife praying for dissolution of marriage by a decree of divorce.

The wife/petitioner has come up before this Court with the instant application under Section 24 of the Code of Civil Procedure praying for transferring the said suit to the Court of the learned District Judge, Dakshin Dinajpur at Balurghat. It is stated by the petitioner that after she was driven out from her matrimonial home, she has been residing at her paternal home at village Fakirpara, Gangarampur in the district of Dakshin Dinajpur. She is a housewife and has no source of income. Distance between Dakshin Dinajpur and Kalyani is more than 350 kilometers in one way. It is also stated by the petitioner that after being driven out from her matrimonial home she was pregnant and subsequently she gave birth to a male child who is now two years old and has been residing with her. The opposite party does not pay any amount for maintenance of the petitioner and her son. It is pleaded by the petitioner that if she is compelled to attend Court at Kalyani from Dakshin Dinajpu, she will suffer financial hardship and physical stress. Moreover, it is not possible for her to make such long journey with her minor child aged about two years. So, the petitioner has prayed for transferring the case to the Court of the learned District Judge, Dakshin Dinajpur at Balurghat.

In spite of affidavit of service the opposite party has not turned up to contest the proceeding. Affidavit of service be kept with the record.

I have heard the learned advocate for the petitioner. It is a settled principle that while disposing of an application under Section 24 of the Code of Civil Procedure arising out of a matrimonial proceeding, the Court must give due care upon the convenience of the wife so that she can conveniently contest the matrimonial suit filed against her. In the instant case the petitioner has been residing at her paternal home at a village in the district of Dakshin Dinajpur. She is a housewife having no source of income to maintain herself and her minor child. The opposite party does not pay any maintenance allowance to the petitioner with the help of which the petitioner may make journey to the present place of trial of the suit. She will of course suffer inconvenience to travel a distance of about 350 kilometers in one way with the minor child aged about two years.

Under such circumstances, I am of the view that the petitioner has been able to establish her case in support of her claim.

Accordingly, the instant revisional application is allowed.

Matrimonial Suit No.154 of 2019 pending before the learned Additional District Judge, Fast Track Court at Kalyani be transferred to the Court of the learned District Judge, Dakshin Dinajpur at Balurghat for trial and disposal.

The department is directed to send a plain copy of this order to both the Courts below for information and compliance.

The parties are at liberty to act upon the server copy of this order.

(Bibek Chaudhuri, J.)

Suman (AR)
Item No.02
Ct.09