

11 18.12.2020

Ct. No. 09

bd

C. O. 2098 of 2019

Piu Halder

Vs.

Sourav Halder

Mr. Soumik Ganguli

Mr. Chittapriya Ghosh.

... For Petitioner

Affidavit of service on record reveals that notice of the instant proceeding was duly served upon the opposite party but he prefers not to contest the instant proceeding.

Accordingly, the instant application under Section 24 of the Code of Civil Procedure filed by the wife/petitioner against her husband opposite party praying for transfer of Matrimonial Suit No. 8 of 2018 renumbered as Matrimonial Suit No. 15 of 2018 before the learned Additional District Judge, 4th Court, Asansol to the Court of the learned District Judge, Bankura.

In her petition it is alleged by the petitioner that she has been residing in a village situated at a distance of about 20 kms away from village Barjora in the district of Bankura. The distance from Barjora to Asansol is about 85 kms. The petitioner has been suffering from serious liver disease and is under constant medical care. Therefore, it is difficult for her to make such long and tiring journey from her village to Asansol Court to contest matrimonial suit.

It is also stated by the petitioner that she has a minor son and she alone looks after her son and if she is compelled to attend Asansol Court travelling such distance it will be stressful for the said minor child of the petitioner.

I have heard the learned advocate for the petitioner. From the documents annexed with the application under Section 24 of the Code of Civil Procedure it is ascertained that the petitioner has been suffering from several diseases for long time. She is under medical treatment of a specialised hospital.

It is needless to say that in an application under Section 24 of the Code of Civil Procedure for transfer of a matrimonial suit, the convenience of the wife should be regarded as a paramount consideration. Furthermore, it is learnt that the petitioner has filed an application under Section 125 of the Code of Criminal Procedure praying for maintenance in the Court of the 4th Court of the learned Judicial Magistrate, Bankura, the opposite party has been contesting the said proceeding. Therefore, the opposite party will not face any hardship to attend the Court of the learned District Judge, Bankura from Asansol.

In view of such circumstances and bearing in mind the convenience of the petitioner, I am inclined to allow the instant application under Section 24 of the Code of Civil Procedure.

Accordingly, Matrimonial Suit No. 15 of 2018 be transferred from the learned Additional District Judge, 4th Court, Asansol to the Court of the learned District Judge, Bankura for trial and disposal.

Department is directed to communicate this order to both the Courts below for information and compliance.

The petitioner is at liberty to communicate this order to both the Court below obtaining server copy of the same from the website.

The revisional application is thus disposed of.
There will be no order as to costs.

(Bibek Chaudhuri, J.)