

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

Present: The Hon'ble Justice Bibek Chaudhuri

C.O. 3614 of 2019

Smt. Maya Rani Hembram (Saren)
Vs.
Sri Krishna Saren

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

Heard on : 24.12.2020

Judgment on : 24.12.2020

Bibek Chaudhuri, J.:

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.814 of 2019 pending before the learned Additional District Judge (EC Court) at Paschim Medinipur to the

Court of the learned District Judge, Bankura on the following grounds.

- (i) The petitioner after being driven out from her matrimonial home has been residing at her paternal home within the jurisdiction of the District Judge, Bankura.
- (ii) Distance of Bankura and Paschim Medinipur is about 126 kilometers. The petitioner will suffer inconvenience to make such journey of 126 kilometers in one way to contest the aforesaid matrimonial suit.
- (iii) The petitioner filed an application against the opposite party and other matrimonial relations under Section 498A of the Indian Penal Code and the said case is pending before the learned Judicial Magistrate, 6th Court at Bankura. The opposite party is contesting the said criminal case filed against him and other matrimonial relations of the petitioner.
- (iv) The petitioner has also filed an application under Section 125 of the Code of Criminal Procedure praying for maintenance allowance for herself and her minor son aged about 7 years. The said Misc.

Case being No.51 of 2017 is also pending in the 6th Court of the learned Judicial Magistrate at Bankura.

- (v) The respondent also filed Judicial Misc. Case being No.5 of 2018 under the Guardianship and Wards Act, 1819 (Act VIII, 1819) before the learned District Judge, Bankura.

Therefore, it is prayed by the petitioner that if the matrimonial suit is transferred to the Court of the learned District Judge, Paschim Medinipur, the opposite party will not suffer any inconvenience. On the contrary, it will be convenient for the petitioner to contest the said matrimonial suit before the learned District Judge, Bankura where another proceeding under the Guardianship and Wards Act is pending.

I have heard the learned advocate for the petitioner.

Prima facie I am of the view that the distance of 126 kilometers between the Court of trial and the paternal home of the petitioner is not too far to cover conveniently by the petitioner but at the same time I am not unmindful to note that the respondent must file a Judicial Misc. Case being No.5 of 2018 under Section 25 of the Guardianship and Wards Act against the petitioner before the learned District Judge, Bankura praying for custody of their minor child. When the opposite party is representing one judicial proceeding before the learned District Judge, it will be convenient

for both the parties if the matrimonial suit be also heard and disposed of by the same Court where the proceeding under the Guardianship and Wards Act is pending.

In view of the above discussion, I am inclined to transfer the matrimonial suit from the Court of the learned Additional District Judge (EC Court), Paschim Medinipur to the Court of the learned District Judge, Bankura.

The instant application is, therefore, allowed.

Matrimonial Suit No.814 of 2019 be transferred to the Court of the learned District Judge, Bankura from the Court of the learned Additional District Judge (EC Court) at Paschim Medinipur 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.03
Ct.09

