

09.10.2020

Sl. No.9

Ct-13

BM

C.O. 1253 of 2020

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IA No.:CAN 1/2020

Angshuman De

Vs.

Bithi De

Mr. Pranit Bag

Mr. Anuj Kumar Misra ... for the petitioner

The opposite party/wife has filed a matrimonial suit which is now pending before the Additional District & Sessions Judge, Jangipur, District Murshidabad. The cause title of the revisional application shows that the opposite party is residing at Raghunath Ganj, Bazar Para, Post Office and Police Station Raghunath Ganj, District- Murshidabad.

The petitioner seeks transfer of the said matrimonial suit to the Court of the learned District Judge at Krishnanagar, Nadia.

In support of transfer the petitioner cites three grounds which are as follows:-

- i) an application for custody of the son born out of the wedlock between the petitioner and the opposite party is pending before the District court at Krishna Nagar. This application has been filed by the petitioner. The child, I am told is now staying with the opposite party wife.

ii) The petitioner's mother is an aged person who has undergone an operation and the petitioner's brother being a physically challenged person it is the petitioner who has to look after his mother and brother. The petitioner will be subjected to inconvenience if he has to appear before the Additional District & Sessions Judge Court at Murshidabad.

iii) Thirdly, the petitioner says that he has received telephone call from unknown persons threatening him of dire consequence if he appears and contest the matrimonial suit in Murshidabad.

The law is now well settled. Unless a very strong case with cogent reason is shown by the husband, it is for the husband to contest the matrimonial suit at the place where the wife resides. Even if, the husband is the plaintiff and has filed the suit in the forum of his convenience then also the suit is likely to be transferred to the Court wherein the wife resides. The ground of having received telephonic threats from unknown persons are not well founded to persuade this Court from transferring the suit from Murshidabad to Krishnanagar. The mother's illness cannot be also a ground for having the suit transferred from Murshidabad to Krishnanagar. The litigation filed by the petitioner is obviously filed in a court of his

convenience that is at Krishnanagar. That the wife is contesting such proceeding at Krishnanagar without asking for transfer of the same is also no ground to transfer the matrimonial suit to Krishnanagar from Murshidabad. That apart and in any event district Nadia is adjacent to district Murshidabad and is well connected.

The other part of the petition which the learned advocate appearing for the petitioner does not highlight is the statement made by the petitioner in paragraph 15 of the revisional application. It is clear from the statement made therein that the petitioner is a General Secretary of a political party and is actively involved in politics at Bethuadahari in district Nadia. In view of such position there is on the contrary a livelihood of the opposite party wife to be put into inconvenience.

After considering the material on record, I find no ground for transfer of the suit from the court at Murshidabad where it is pending to the court of District Judge at Nadia at Krishna Nagar.

The revisional application fails and is dismissed and the connected application being IA No.:CAN 1/2020 is disposed of.

Since I have not called for any affidavit the allegations contained in the application are deemed to have been not been admitted by the opposite party.

(Arindam Mukherjee, J.)