

S/L 16.
3.03.2021
S.D.

C.O. 105 of 2021

Smt. Popy Roy @ Karmakar
Vs.
Sri Subhajit Roy
(Via Video Conference)

Mr. Aritra Shankar Ray

For the petitioner.

Ms. Rima Das

....For the O.P.

The petitioner has sought for transfer of the Matrimonial proceeding being M.A.T. No. 417 of 2019 pending in the Court of learned District Judge, Murshidabad at Berhampore (Subhajit Roy vs. Popy Roy @ Karmakar) *inter alia* on the grounds that the petitioner is the mother of a five years old minor boy and it is not possible for her to travel from Bagdah to Berhampore leaving her minor son alone at Bagdah who is a student of class LKG II. The further ground taken is that the petitioner has no source of income as she belongs to very poor family and her financial status does not permit her to travel from Bagdah to Berhampore, board into a hotel, attend the learned Court and return to her place of residence at Bagdah, although, the petitioner once had attended Murshidabad Court in the matrimonial

proceeding whereas the opposite party is a businessman (Goldsmith) by profession and is an economically sound person. That apart, one maintenance application of the petitioner under Section 125 Cr.P.C. is pending for final adjudication in the Court of learned Judicial Magistrate at Bagdah, North 24 Parganas which is prior to the proceeding instantly filed by the opposite party husband. Another case being Bagdah Police Station Case No. 825 of 2017 dated 8.11.2017 is also pending before the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas for final disposal. Yet another criminal proceeding being Bongaon Police Station Case No. 932 of 2019 dated 26.11.2019 is pending in the Court of learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas in which case the opposite party was enlarged on bail on condition to meet the investigating officer of the case once in a week, till completion of investigation.

Thus, there are cases pending against the opposite party in the Court of ACJM Bongaon and opposite party registers his attendance on the dates fixed in the proceedings. The matrimonial proceeding being MAT Suit No. 417 of 2019 which has been sought to be transferred now pending in the Court of learned District Judge, Murshidabad at Berhampore is now required to be

transferred to Bongaon otherwise it will cause irreparable losses and injury to the petitioner.

It is submitted on behalf of the opposite party that if the case under reference is transferred, that can be transferred to the Court of the Additional District Judge, Sealdah, District – 24 Parganas (South) so as to enable the opposite party to attend the Court at Sealdah Station is well connected through railway from Murshidabad.

I have heard learned Advocate for the parties and considered the contentions so made in the application and considering that the petitioner is a mother of five years old boy a student of LKG II at Bongaon and further considering that it would be inconvenient for the petitioner to attend the Court at Sealdah leaving her minor son alone at Bongaon whereas the opposite party husband is registering his attendance before the investigating officer at Bongaon, in connection with criminal cases against him. So, ultimately, the opposite party has to attend the Bongaon Court.

In the context of the above, I am of the considered view that the matrimonial proceeding being MAT 417 of 2019 is required to be transferred to the Court of the Additional District Judge, Bongaon, North 24 Parganas.

Accordingly, I direct that the matrimonial proceeding being M.A.T. 417 of 2019 pending in the Court of learned District Judge, Murshidabad at Berhampore be withdrawn from the Court of District Judge Murshidabad and be transferred to the file of learned Additional District Sessions Judge, Bongaon.

Let a copy of this order be communicated to the learned Transferor Court and Transferee Court through the learned District Judge, 24 Parganas (North).

Thus, the application under Section 24 of the CPC being C.O. 105 of 2021 is disposed of.

No order as to costs.

Urgent certified copies of this order, if applied for be given to the parties upon compliance of the formalities.

(Shivakant Prasad, J.)