

17.03.2021

Sl. No.18

Court No.9

BM.

-

CO 214 of 2020

Mitali Patra

Vs.

Soumak Patra

(Via Video Conference)

Mr. Apurba Kumar Datta ... for the petitioner

None appears on call on behalf of the opposite party despite receipt of notice as per the track report annexed to the affidavit of service which be kept on the record.

In this application the matrimonial suit being No.198 of 2019 pending in the Court of the learned Additional District Judge, Baruipur, South 24 Parganas, has been sought to be transferred to the learned District Judge, Paschim Burdwan. It is submitted that due to the physical and mental torture allegedly meted out on the petitioner by the opposite party and other in laws she was compelled to stay in her parent's house at Hirapur, P.O. Burnpur, District-Paschim Barddhaman. It is submitted that the marriage was solemnised according to the Hindu rites and customs in the petitioner's father house in the District of Burdwan. After she started living at Hirapur in the District of Burdwan at Asansol she registered a

case under Section 498A of Indian Penal Code on 15.08.2013 with the Asansol Women Police Station case No.102 of 2013 and the charge sheet has been submitted and the case is pending in the Court of Chief Judicial Magistrate, Asansol.

The petitioner submits that since no maintenance was paid by the opposite party she filed a case under Section 125 of the maintenance which has been registered as Misc. Case No.384 of 2015 now pending before the learned Additional Chief Judicial Magistrate, Asansol.

Suddenly the petitioner has received a summon in the matrimonial suit being No.198 of 2019 filed by the opposite party against her for decree of divorce. It is submitted that the petitioner is a lady and she has taken shelter in her father's house at Burnpur and has a minor son to look after without any independent source of income, so it is not possible for her to attend the proceeding in the matrimonial suit pending at Baruipur, District-24 Parganas (South) after travelling a distance of 260 Kms. It is also submitted that since the husband/opposite party is regularly attending the Court of learned Judicial Magistrate, Asansol in Misc. Case No.3 of 2015 and in the proceeding under Section 125 of the Code of Criminal Procedure, there is no inconvenience for him to attend the Court of learned

District Judge, Asansol, Paschim Bardhaman, South 24 Parganas.

Upon hearing learned advocate for the petitioner and having regard to the grounds taken and further finding no objection from the side of the opposite party/husband who have failed and neglected to appear despite receipt of notice. Let the matrimonial suit being No.198 of 2019 pending in the Court of Learned Additional District Judge at Baruipur, South 24 Parganas, be withdrawn and be transferred to the file of the learned District Judge, Paschim Bardhman at Asansol.

Let a copy of this order be communicated to the transferee Court for necessary action in the matter.

The application being CO 214 of 2020 is disposed of.

(Shivakant Prasad, J.)