

S/L 20.
3.03.2021
S.D.

C.O. 147 of 2021

Sri Sudipto Chatterjee
Vs.
Smt. Rituparna Chatterjee (Chakraborty)
(Via Video Conference)

Mr. Somnath Gangopadhyay

For the petitioner.

Affidavit of service is filed in compliance of the Court's order dated 12.2.2021 which appears to be satisfactory as the petitioner has made several attempts to effect service upon the opposite parties. Lastly, the communication has been made to the learned Advocate on record for the opposite party appearing in the matrimonial proceeding in the Court of Additional District Judge, Bishnupur, Bankura.

Therefore, this Court is left with no alternative but to take up the application under Section 24 of CPC whereby and whereunder the petitioner/husband has sought for transfer of Matrimonial Suit No. 92 of 2020 (Amt. Rituparna Chatterjee (Chakraborty) vs. Sri Sudipto Chatterjee) now pending before the learned Additional District Judge, Bishnupur, Bankura *inter alia* on the grounds that the opposite party has filed the said

matrimonial proceeding upon describing herself the place of residence at Kotolpur while her place of work is at Kolkata as she is employed as a nursing staff in Nil Ratan Sircar Medical College and Hospital and the distance between her place of residence and place of working is not less than 108 kms. and such distance takes approximately 6 (six) hours to travel by road. It is also submitted that the opposite party is working as nursing staff in the Government hospital and she has to stay at Kolkata to perform her duties in three shifts as per roster of duties. Therefore, it would not be possible for her to join at duty in time if she has to attend the matrimonial proceeding at Bisnupur, District – Bankura and she has deliberately not disclosed her address as to her place of residence at Kolkata. It is also pointed out that assuming but not admitting what has been stated by the opposite party while Matrimonial Suit No. 92 of 2020, the petitioner apprehends about true and genuine welfare and upbringing of his daughter who resides at Kotolpur. It is also pointed out that the petitioner is working as Technologist, Dialysis in Tata Medical Centre and his gross salary is Rs.21,850/- and after deduction, his net pay is of Rs.20,402/- per month. Therefore, the petitioner belonging to middle class family having limited income is

unable to meet the expense on account of conveyance for going to employment and daily tiffin, a very little amount remains in the hand wherefrom he has to meet his monthly expenditure for living life and ultimately a sum of Rs.1,548/- is left at the hand and with this meager amount, meeting litigation cost and travelling expenses for attending the Court at Bishnupur would be heavy and onerous for the petitioner.

Having regard to the fact that the opposite party who is a nursing staff of Nilratan Sircar Medical College and Hospital, Kolkata and performing her duty as nurse at the said hospital staying in Kolkata, it would be convenient and justified for both the parties that the cases under reference pending in the Court of Bisnupur, District – Bankura is transferred to the Court of learned Additional District Judge, Sealdah, 24-Parganas (South).

Accordingly, I direct that the Matrimonial Proceeding being M.A.T. Suit No. 92 of 2020 pending in the Court of learned Additional District Judge, Bishnupur, District – Bankura be transferred to the Court of learned Additional District Judge, Sealdah in the interest of justice.

Let a copy of this order be communicated to the Transferor Court and the Transferee Court for information and for necessary action.

Thus, the application under Section 24 of the CPC being C.O. 147 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.)