

27.04.2021
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sl no. 22

**CO 175 of 2021
(Via Video Conference)**

In Re : Soma Roy Banerjeepetitioner

Mr. Prabir Majumder

Mr. D. Banerjee

..... For the petitioner

Mr. Sanjay Saha

..... For the OP

Affidavit of service be kept on record.

The petitioner-wife has sought for transfer of the matrimonial proceeding being MAT Suit no 120 of 2019 pending in the court of learned Additional District Judge, Basirhat, North 24 Parganas to the learned District Judge, Nadia at Krishnagar.

Heard learned advocate for the petitioner. It is submitted that after the marriage the petitioner started residing in her matrimonial home where she was subjected to physical and mental torture by the opposite party and his family members which compelled her to leave her matrimonial home.

The petitioner in order to get maintenance instituted a misc case under section 125 Cr.P.C for claiming maintenance for herself and her minor child and another application under section 12 of the Protection of Women from Domestic Violence Act was also filed for various reliefs and protection order. It is pointed out that on 8.11.2019 learned Judicial Magistrate, 6th court,

Krishnanagar, Nadia granted interim maintenance to the petitioner to the tune of Rs. 2000/- p.m and Rs. 4000/- p.m for her minor child and in total Rs. 6000 p.m. payable month by month but the opposite party-husband has failed and neglected to comply with the court's order of maintenance.

It is submitted that two cases are still pending in the court of Judicial Magistrate, Krishnagar, Nadia. That apart, the petitioner has to undertake a journey to cover a distance of 255 km to attend the court at Basirhat from her parental house in connection with matrimonial proceeding but the opposite party-husband has defied the order of the learned magistrate by not paying maintenance to the petitioner and her child. The husband-opposite party has instituted the said matrimonial proceeding for dissolution of marital tie which the petitioner-wife wants to contest. It is submitted that she is unable to attend Court by travelling such a distance in both ways because she has no source of income to afford daily expenses and expense of travelling to Basirhat whereas the husband-opposite party is able bodied person and has independent source of income and he can very well attend the court at Krishnanagar, Nadia by covering such a distance from Basirhat. That apart, her son is a student of class II and it is not possible for her to leave him alone with her aged ailing parents.

Bearing in mind the inconvenience of the petitioner, in travelling such a distant place on the day fixed for hearing of the matrimonial suit, the matrimonial suit being MAT suit no. 120 Of 2019 pending before the learned Additional District Judge, Basirhat North 24 pgs be withdrawn and be transferred to the court of learned District Judge, Nadia at Krishnanagar.

Accordingly, C.O 175 of 2021 is allowed and disposed of.

However, there shall be no order as to costs.

Let a copy of this order be communicated to both the court being Additional District Judge, Basirhat, North 24 Pgs and the learned District Judge, Nadia at Krishnanagar for information and necessary action in the matter.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Shivakant Prasad, J.)