

Court No.
9
Item No.
14
ssi
08.04.
2021

CO 352 of 2019

Latika Adhikary
-vs-
Utpal Mondal

Mr. P. K. Banerjee
Ms. Krishna Yadav

.....for the petitioner
Mr. Dipayan Kundu
Mr. Avinaba Patra
...for the respondent

This is an application under Section 24 of the Code of Civil Procedure for transfer of Matrimonial Suit No. 239 of 2018 under Section 27 of the Special Marriage Act, 1954 pending before the learned Additional District and Sessions Judge, Ghatal, District Paschim Medinipur to the Court of the learned Additional District Judge, Ranaghat, District- Nadia.

I have heard the submissions of the learned advocates of the parties.

The Affidavits have been exchanged this day. It is submitted that both the parties are the residents of Ranaghat, District- Nadia and the petitioner is putting up in her matrimonial home. The opposite party is an Assistant Teacher of Krishnapur Rahamania High School at Ghatal in the District of Paschim Medinipur where he has filed a Matrimonial Suit for a decree of divorce against

the petitioner under the provisions of Section 27 of the Special Marriage Act, 1954 as he is not allowed by the petitioner/wife to stay in his own house. However, the parties hereto have a girl child in their wedlock born on 12.12.2014 and the petitioner lives with her mother in a single room with tin-shades by the side of her matrimonial home where her parents in law and other in laws and her husband stay. The petitioner has to look after her daughter who is admitted in a local school in a kindergarten at Taraknagar. The distance between the Courts at Ghatal and Ranaghat is in excess of 200 kilometers and it will be inconvenience for her to travel long the way to Ghatal. That apart, she will have to incur unnecessary expenses while undertaking journey to Ghatal for the purpose of attending Court in the matrimonial proceeding.

The opposite party husband has pointed out that a domestic violence case has also been filed against him at Ranaghat Court and the same is pending there. However, a sum of Rs. 7,000/- towards maintenance is being paid to the petitioner by the opposite party/husband. The distance between Ghatal to Ranaghat is not more than 180 kilometers. It is evident that there is considerable distance between two places and that opposite party/husband who is posted at Ghatal as a teacher whereas he is permanent resident of Ranaghat Sub-

Division.

Having heard the submissions of the learned advocates for the parties and in consideration of the contention of the parties and bearing in mind, the convenience and inconvenience in particular of the petitioner wife as she has girl child to look after, the prayer for transfer is considered and allowed.

Let the case being Matrimonial Suit No. 239 of 2018 pending in the Court of Additional Session Judge, Ghatal, District Paschim Medinipur be withdrawn and be transferred to the Court of the learned Additional District Judge, Ranaghat, District-Nadia.

A copy of this order be communicated to both the Courts for information and doing the needful. The transferee Court would undertake the hearing of the suit as expeditiously as possible.

(Shivakant Prasad, J.)