

Ct. 9
Item Nos.14
22.03.2021
(suvendu)

C.O. 290 of 2021

Joly Halder
Vs.
Debanjan Halder

Mr. Nabankur Paul
.....for the petitioner

Affidavit of service filed on behalf of the petitioner is taken on record. It shows that service have been effected upon the opposite party in terms of the track report.

This is an application for transfer of Matrimonial Suit No. 128 of 2020 from the Court of the learned Additional District Judge at Bongaon, North 24 Parganas to the Court of the learned Additional District Judge, 1st Court, Islampur, Uttar Dinajpur.

Learned advocate appearing on behalf of the petitioner submits that the petitioner was married to opposite party on 1st February, 2018 and after her marriage, she was brought to her matrimonial home at Bongaon, North 24 -Parganas. It is submitted that the petitioner started living with her husband in

her matrimonial home after her marriage and after living together for about forty five days therein, the opposite party went to Abu Dhabi for his job and the petitioner was left in her matrimonial home along with her in-laws. The petitioner faced numerous allegations over silly matters and she was ill treated, tortured, abused and harassed, both mentally and physically, by her in-laws in her matrimonial home. The petitioner reported this fact to the opposite party several times but the opposite party did not care and kept quiet. Ultimately, opposite party returned from Abu Dhabi in 2019 and brought the petitioner to her paternal house at Daspara, Islampur. Thereafter, the opposite party went to abroad for longer days. Consequently, the petitioner and her mother went to the matrimonial home of the petitioner on 29th December, 2019 but the in-laws did not allow the petitioner to enter her matrimonial house. So obviously the petitioner was compelled to take shelter in the house of her uncle-in-law for fourteen days and the said uncle-in-law during that time tried to convince the petitioner's in-laws for allowing the petitioner for staying at her matrimonial house but that was also denied from the end of the in-laws of the petitioner. Ultimately, the petitioner was

compelled to come back to her paternal house again on 18th January, 2020 and is living there till date.

The Matrimonial Suit has been filed by the opposite party/husband for a decree of dissolution of marriage on the ground that after three months of marriage, the opposite party/husband noticed abnormal behaviour on the part of the petitioner/wife and that she had refused to cohabit with the opposite party/husband and did not perform household work.

The application for transfer of the Matrimonial Suit is sought for entirely on the ground that the petitioner presently residing at Daspur, Police Station –Chopra, Dist. Uttar Dinajpur and her mother died on 14th December, 2020. She is unemployed and has no independent source of income. The father of the petitioner is ailing and is about sixty-eight years aged person and also passing his days in financial distress. It is submitted that the petitioner is at present totally dependent on her father in all aspects. In support of her contention that her father is ill and have cardiac problem, she relied upon the medical report annexed to the instant application. It is also submitted that the total up and down distance between the Bongaon Court and

her residence at Islampur is about 1214 KM and one has to avail several break journeys, which also take three days to appear before the court. Accordingly, the petitioner has sought for transfer of the Matrimonial Suit No. 128 of 2020 now pending before the learned Additional District Judge at Bongaon, North 24 –Parganas to the court of the learned Additional District Judge, 1st Court, Uttar Dinajpur within whose territorial jurisdiction the petitioner/wife resides.

It has been considered by the Hon'ble Supreme Court in several of its decisions that it is always preferable to transfer suits to the territorial jurisdiction of the Court where the defendant women resides as it would be convenient for her to contest the same as best justice is always rendered if the suit is heard out on contest.

Having heard the learned advocate for the petitioner and considering the convenience on the part of the petitioner and finding no objection from the side of the opposite party, who fails to represent himself after receiving notice of the instant application, the prayer of the petitioner for transfer of the Matrimonial Suit is allowed.

Accordingly, let the Matrimonial Suit No. 128 of 2020 be withdrawn from the court of the learned Additional District Judge at Bongaon, North 24 – Parganas, and be transferred to the court of the learned Additional District Judge, 1st Court at Islampur, Uttar Dinajpur.

Let a copy of this order be communicated to the learned Additional District Judge at Bongaon, North 24 –Parganas, and the learned Additional District Judge, 1st Court at Islampur, Uttar Dinajpur for necessary action.

With the above directions, C.O. 290 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Shivakant Prasad, J.)