

16.06.2021
Court No. 19
Item no.24
CP

C.O. 952 of 2020

Subhra Dhara (Roy)

vs.

Sushovan Dhara

(via video conference)

Mr. Sanjib Seth

.....for the petitioner.

This revisional application has been filed seeking transfer of Mat Suit No. 2339 of 2019 pending before the learned Judge, Fast Track 3rd Court at Barrackpore, District – 24 Parganas (North).

According to the petitioner, the suit which is pending in the Barrackpore Court should be transferred to the court of the learned District Judge, Howrah as the petitioner resides at Howrah.

Having heard the submissions of the learned advocate for the petitioner and having taken note of the address of the petitioner which is at the Santragachi area, Jagacha in the District of Howrah, I do not find any reason to transfer the suit as the residence of the petitioner is well connected to Barrackpore by train as also by bus. It is the petitioner's own case that the distance is 36 KM each way. The said distance can be covered in a day.

The other allegation of the petitioner that the husband is an influential person which may have an effect on the proceeding is baseless and not supported by any documentary evidence whatsoever. Such aspersions are vague and unfounded. Transfer cannot be allowed on the mere asking. This discretionary power of the high court should be exercised objectively and when there are cogent grounds. The petitioner who is a 32 years old educated lady would be able to travel to and from her residence to court and back on the dates her presence may be required before the learned court. The apprehension that the husband being an influential man may cause disturbance and prevent impartial decision is not backed by any reason. No bonafide is established on this score. This is not one of those exceptional situations which call for an order of transfer.

With the above observations, the revisional application is dismissed. There shall be no order as to costs.

All parties are to act on the server copy of this order.

(Shampa Sarkar, J.)