

25-11-2021
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C.O. No. 655 of 2021
Smt. Priyanka Garai
-Versus-
Sri Brindaban Garai
(Via Video Conference)

Ms. Manali Biswas
...for the petitioner

Mr. Supratick Shyamal,
Mr. Alokesh Dalai
....for the opposite party/husband

Affidavit of service filed in Court today is
taken on record.

This is an application for transfer of
Matrimonial Suit No. 70 of 2020 now pending
before the learned District Judge, Nadia at
Krishnanagar to the learned District Judge,
Berhampore at Murshidabad.

The wife has applied under Section 24 of
the C.P.C. on the principal ground that she is
residing after separation from her husband with
her parents at Amtala. The distance from Amtala
to Berhampore is about two hours by private
transportation. Further distance from Berhampore
to Krishnanagar is another 2 ½ hours. The travel
time to defend the proceeding is onerous to the
petitioner.

It is also argued that the petitioner has three-year old child and is required to maintain her. The petitioner's father is a daily wager and the mother is bedridden. It is also alleged that the opposite party/husband has not complied with the order of payment of maintenance under Section 125 of the Cr. P.C.

Counsel for the opposite party/husband denies that he has not paid maintenance as alleged by the petitioner/wife. It is also submitted that the husband is also without a job since he has retired from military service.

This Court has carefully considered the rival arguments of the parties. The grounds urged for transfer are strong and bona fide. It would be extremely onerous and inconvenient for the petitioner/wife to defend the matrimonial proceeding at Krishnanagar, Nadia from Amtala in Berhampore. The transfer of suit from Krishnanagar, Nadia to Berhampore, Murshidabad would substantially reduce the travel time to defend the litigation leaving her enough time to attend to her child and her parents.

For the reasons stated hereinabove, Matrimonial Suit No. 70 of 2020 pending before the learned District Judge, Krishnanagar, Nadia,

since assigned to the court of the learned Additional District and Sessions Judge, FTC-I, Krishnanagar, shall be transferred to the learned District Judge, Berhampore, Murshidabad. The District Court at Krishnanagar, Nadia, shall transmit all records of the said Matrimonial Suit No. 70 of 2020, to the learned District Judge, Berhampore, Murshidabad immediately.

The next date for appearance before the District Court at Berhampore is fixed on December 13, 2021. The parties shall be at liberty to communicate a copy of this order to the learned District Judge, Krishnanagar, Nadia as also the learned District Judge, Herhampore, Murshidabad.

It is also made clear that this Court has not adjudicated upon the claim of the petitioner/wife that the husband has not paid her any maintenance as ordered by the Court. The same will be decided exclusively by the Court before whom the proceedings are pending.

The opposite party/husband submits that he had received threats to his person from the petitioner and/or his person on her behalf.

It is, therefore, ordered that in the event of any threat to the life and limb of person of the petitioner to prevent him from prosecuting the

aforesaid Matrimonial Suit No. 70 of 2020, the Officer-in-Charge, Berhampore Police Station shall render all necessary assistance and security to the opposite party/husband.

Since the opposite party/husband has not used any affidavit in the instant proceeding, none of the allegation made by the petitioner/wife against her husband, shall be deemed to have been admitted by the opposite party/husband.

With the aforesaid directions, the revisional application is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)