

09.08.2021
(S/L-25)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 775 of 2021
Smt. Beauty Paul
-Vs-
Sri Uzzal Kumar Paul

Mr. Sagnik Chatterjee,
Mr. Debasish Mukhopadhyay,
Ms. Madhushri Dutta,
..... For the Petitioner.
Mr. Kaushik Choudhury,
Ms. Barua Khatun,
..... For the Opposite Party.

The wife/respondent in a matrimonial suit being Matrimonial Suit No. 131 of 2020 pending before the Learned District Judge, Hooghly at Chinsurah is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The husband/opposite party has filed the said Matrimonial suit for dissolution of his marriage with the petitioner by a decree of divorce.

The petitioner by the present application is seeking withdrawal of the said matrimonial suit from the Court where it is now pending and for transfer of it to any Court competent to try and dispose it of under the Judgeship of learned District Judge at Uttar Dinajpur on the ground that she is now residing at her paternal house at Kalagaccha, Post Office – Chopra, Police Station- Chopra, District: Uttar Dinajpur, Pin-733207, which is 500 kilometers away from the Court of learned District Judge at Hooghly, as such, she being a lady would not be in a

position to travel alone to attend and contest the said suit at Hooghly by covering such huge distance.

Mr. Kaushik Choudhury, learned advocate appearing on behalf of the opposite party submits that the opposite party compromising his employment as a technical assistant of an engineering college, has been attending proceedings of the criminal case initiated by the petitioner under Section 498A IPC against him at Islampur Court and if the said matrimonial suit is transferred to the Islampur Court, further inconvenience would be caused to him.

Mr. Choudhury suggests that the matrimonial suit may not be transferred as prayed for as his client is ready and willing to bear the expenses for the wife in attending and contesting the said matrimonial suit in the Court of learned District Judge, Hooghly.

Heard learned advocate for the parties, perused the materials on record.

The distance between Islampur and Chinsurah is certainly a factor which weighs in favour of the petitioner in allowing her prayer for transfer of the said suit to Islampur. The said factor cannot be neutralized on payment of traveling expenses.

That apart, since the criminal proceedings between the parties is pending at the Islampur Court, the balance of convenience and inconvenience demand that the pending litigations between the parties be tried at one place.

Therefore, the prayer of the petitioner deserves to be allowed.

Let the records of the Matrimonial suit being No. 131 of 2020 be withdrawn from the file of learned District Judge, Hooghly at Chinsurah and be transferred to the Court of learned District Judge at Uttar Dinajpur who may either keep the said suit in his own file or may transfer it to any Court competent to try and dispose of the said suit under his Judgeship.

The transferee Court shall proceed with the suit from the stage at which it has already reached.

The parties shall not cause any unnecessary delay in the disposal of the said suit.

The department is directed to communicate this order to the Court of learned District Judge Hooghly at Chinsurah immediately.

Since no affidavit-in-opposition has been used by the opposite party, the allegations made in the application are deemed to have been denied by him.

C.O. 775 of 2021 is thus disposed of without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)