

7 14.07.2021  
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**C.O. 919 of 2021**

*Ct. 9.*

**Barnali Pal @Banya Pal vs. Kaushik Kumar Pal**

Mr. Partha Pratim Roy  
..For the petitioner.

Let affidavit of service filed be kept with the record which shows that service has been effected on the opposite party husband.

The Matrimonial Suit No. 919 of 2021 now pending before the learned 3<sup>rd</sup> Additional District Judge at Malda has been sought to be transferred to the court of learned Additional District Judge at Berhampore, Murshidabad.

Despite service upon the husband opposite party, none has entered appearance. The application under section 24 CPC is taken up for hearing.

Heard learned advocate for the petitioner.

The petitioner submits that she was physically assaulted by her husband and driven out from the matrimonial house and she is at present residing in her parents' house who are old persons and despite several attempt to contact her husband she failed and since then she is staying at the parental home at the mercy of the old parent. So, the petitioner lodged a complaint before the Berhampore P.s. u/s. 498A/325/313/34 IPC dated 20.12.2020 and also filed an application under section 12 of the Protection of Women from the Domestic Violence Act,

2005 being Misc. Case No. 159 of 2020. Now both the cases are pending before the respective court Berhampore court.

Petitioner also submits that since the mother of the petitioner is 62 years and her father is 66 years old, it is not possible for them to give company to her at the time of travelling to Malda to attend the court where the Matrimonial Suit filed on behalf of the husband opposite party for decree of divorce is pending.

Further contention of the petitioner is that the petitioner husband has a promoting business and the father in law is a retired government employee and they have sufficient earning whereas the wife petitioner has no independent source of income but the husband till today has not paid a single rupee for maintaining the petitioner.

The petitioner further submits that the petitioner is residing at Kathaliya - a remote village which is more or less 150 k.m away from Malda District Judges Court and it would be very inconvenient for the petitioner to travel such a distance to contest the aforesaid suit at Malda.

Having heard the learned advocate for the petitioner and bearing in mind the convenience of the parties to attend the court, Matrimonial Suit No. 355 of 2020 pending before the learned 3<sup>rd</sup> Additional District Judge at Malda be withdrawn and transferred to the file of learned Additional District Judge, Berhampore, Murshidabad.

Let a copy of this order be communicated to both the courts for information and necessary action.

Thus revisional application being C.O. 919 of 2021  
is disposed of without any order as to costs.

***(Shivakant Prasad, J. )***