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CO 1055 of 2021

Priyanka Roy (Shaw)
Versus
Arindam Roy

Mr. Sabyasachi Mukherjee
... For the Petitioner.

Mr. Kajal Mukherjee,
Mr. Surajit Basu,
Mr. Bikash Chakraborty,
Mr. Arijit Kundu,
... For the Opposite Party.

This is a transfer application of a Matrimonial Suit, now pending before the Court of learned Additional District Judge, 3rd Court, at Barasat, North 24 Parganas to the Court of learned District Judge, at Alipore, 24 Parganas (South), taking the grounds of harassment, distance to be covered and the financial constraints, the petitioner/wife has proposed the transfer referred hereinabove.

Without touching upon the merits of the case, at the very threshold of this case, Mr. Kajal Mukherjee, learned advocate appearing for the opposite party/husband invites attention of this court that petitioner/wife is a practicing advocate of Alipore Court.

There is a matrimonial difference between the parties, for which the conjugal life could not be

lasted. Since petitioner/wife is a practicing advocate of Alipore Court, it would be not wise to transfer the pending matrimonial suit from Barasat to Alipore Court.

The advantages, disadvantages and the comparative harassment of the parties are of highest significance in a transfer application. The petitioner being a practicing advocate of Alipore Court, and the opposite party/husband being a school teacher, posted at Bongaon are also incidental to the determination of transfer application.

Having considered the submissions of the parties, the comparative advantages, disadvantages and harassment of the parties, if the present matrimonial suit is transferred to Sealdah Court, where it is expected that the comparative harassment of the parties would be curtailed to a considerable degree, there would be no prejudice caused to either of the parties to this case. Sealdah Court is situated at convenient location, which can be easily commuted from both the ends of the parties, having availability of several conveyances to reach over there.

The transfer application is thus disposed of directing learned Additional District Judge 3rd Court at Barasat, North 24 Parganas to transfer Matrimonial Suit No. 502 of 2019 the Court of learned Additional District Judge, 2nd Court, Sealdah

within a fortnight from the date of communication of this order.

Both the parties are directed to ensure their respective appearance before the Transferee Court on 19th January, 2022.

This order is passed without prejudice to the rights and contentions of the parties.

With this observation and direction the instant transfer application stands disposed of.

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

(Subhasis Dasgupta, J)