

16.12.2021
sayandeep
Sl. No. 01
Ct. No. 05

CO 1094 of 2021

Smt. Papiya Saha
Vs.
Sri Amit Saha

[Via Video Conference]

Mr. Subrata Bhattacharyya
..... for the petitioner

Mr. Atanu Biswas
.... for the opposite party

The prayer of the petitioner is for transfer of Matrimonial Suit filed in Barasat Court to Durgapur Court. The ground urged is that the petitioner is presently residing in Durgapur with his parents to look after them. The second ground urged by learned counsel appearing on behalf of the petitioner is that the petitioner has to travel all the way from Durgapur to Barasat which is inconvenient for the petitioner.

The grounds for transfer are opposed by learned counsel appearing on behalf of the opposite party. He submits that the petitioner has been contesting the Matrimonial Suit at Barasat for more than three years. Counsel submits that the opposite party also has aged parents to care for and look after and submits that the petitioner has prayed for transfer of the matrimonial proceedings to Durgapur after more than three years and without any plausible reason.

Upon hearing learned counsel, this Court is of the view that the plea of inconvenience urged on behalf of the petitioner should be balanced with that raised on behalf of the opposite party. Both have aged parents to look after and the grounds of inconvenience applies equally to both the petitioner and the opposite party in terms of the distance which has to be travelled for attending the Court proceedings. There is no credible ground disclosed in the application for making the prayer for transfer after more than three years during which the petitioner has contested the proceedings in Barasat. The only ground raised is that the petitioner has to make arrangement to stay in Barasat which is a “dangerous” proposition. The Court is unable to view the ground as sufficient or credible for granting the prayer in the application, particularly when the petitioner did not raise any such objection from 2017 onwards.

This Court is of the view that the competing interest and inconvenience of the parties can be effectively resolved if the Matrimonial Suit is transferred to a Court which is equal distance from both Barasat and Durgapur. Serampore Court is suggested by the parties. This Court is also of the view that if the Matrimonial Suit is transferred to a Court in

Serampore, the inconvenience which is presently urged on behalf of the parties would be substantially resolved.

CO 1094 of 2021 is accordingly disposed of with a direction on the learned Additional District Judge, 3rd Court at Barasat to take steps to transfer Matrimonial Suit No. 2354 of 2017 to the District Court of Serampore or the appropriate Court in Serampore as expeditiously as possible and preferably within 15th January, 2022. The learned District Judge of Hooghly or the Court which has jurisdiction of the Court of Serampore shall also take necessary steps in this Matrimonial Suit and all connected proceedings.

(Moushumi Bhattacharya, J.)