

09.08.2021
(S/L-26)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1135 of 2021
With
I.A No. CAN 1 of 2021

Bharati Roy
-Vs-
Sri Arindam Sarkar

Mr. Atis Kumar Biswas,
Ms. Rajlakshmi Ghatak,
..... For the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
..... For the Opposite Party.

Affidavit-of-service filed on behalf of the
petitioner in Court today be kept with the record.

The wife/respondent in a matrimonial suit being
Matrimonial Suit No. 350 of 2020 pending before the
learned Additional District Judge at Bangaon,
District-24 Parganas (North) 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 under Section 9 of the Hindu
Marriage Acct, 1955 for a decree of restitution of
conjugal rights between him and the petitioner.

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 other Court competent to try and dispose of
the said suit under the Judgeship of learned District
Judge, Nadia at Krishnanagar, on the ground that

she is now residing at her paternal house at Nakashipara, District- Nadia which is 200 kilometers away from the Court of learned Additional District Judge, Bangaon, as such, she being a lady would not be in a position to travel alone to attend and contest the said suit at Bangaon by covering such huge distance.

The financial incapacity of the petitioner to attend the said Court at Bangaon from her residence is the other ground on which transfer of the said suit has been sought for.

Mr. Arindam Chattopadhyay, learned advocate appearing on behalf of the husband/opposite party submits that his client has already filed an application being CAN 1 of 2021 for vacating the interim order passed in the matter and the said application may be treated as the affidavit-in-opposition to the present application wherein the opposite party has denied the allegations of the petitioner.

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

The distance between the place of residence of the petitioner and the Court where the said matrimonial suit is now pending would certainly cause inconvenience to the petitioner in attending and contesting the said matrimonial suit. Moreover, the costs of contesting the said suit can be minimized if the said suit is transferred as prayed for.

For the reasons stated above, the prayer of the petitioner deserves to be allowed.

Let the records of the Matrimonial Suit being MAT Suit No. 350 of 2020 be withdrawn from the file of learned Additional District Judge, Bangaon, District 24-Parganas (North) and be transferred to the Court of learned District Judge, Nadia at Krishnanagar 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 point at which it has already reached and shall expedite the disposal of the same.

C.O. 1135 of 2021 and the connected application, being I.A No. CAN 1 of 2021, are thus disposed of without any order as to costs.

The department is directed to communicate this order immediately to the Court of learned Additional District Judge at Bangaon, District- 24 Parganas (North).

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.)