

Smt. Aarsh Agarwal vs. Shri Adarsh Agarwal

Mr. S. Bandopahdyay

Mr. A.K. Singh

..For the petitioner.

Ms. Shilpa Jati

..For the opposite party.

The wife petitioner has sought for transfer of the Matrimonial Suit no. 308 of 2019 pending before the Court of learned 3rd Additional District Judge, South 24 Parganas to the Court of the learned Additional District Judge at Siliguri, Darjeeling.

It is admitted that on 24.01.2014 the petitioner along with the respondent shifted to Bangalore at workplace of the respondent who is employed in Goldman Sachs Services Pvt. Ltd. as a Chartered Accountant and thereafter her in-laws also attended at Bangalore, and consequently, the respondent shifted to London leaving the petitioner at Bangalore. On 14.01.2019, the petitioner was sent to her parental home by the respondent and since then the petitioner is staying and residing at her parental house at Siliguri as the respondent refused to take her back.

It is submitted that a complaint was lodged with the Siliguri Women Police Station being Case No. 47 of 2019 which is now pending before the learned Additional Chief Judicial Magistrate at Siliguri under the provision of section 12 of the Protection of Women from Domestic Violence Act 2005 and registered as Misc. Case No. 49 of 2019 now pending for trial before the Judicial Magistrate, 2nd Court,

Siliguri.

The Matrimonial Suit for dissolution of marriage under section 13(1)(ia) of the Hindu Marriage Act 1955 is registered on behalf of the opposite party husband and is now pending before the learned Additional District Judge, 3rd Court, Alipore, 24 Parganas, whereas the husband opposite party is stated to be living at Bangalore.

Learned advocate for the petitioner submits that she is financially distressed and dependent on her old aged parents at Siliguri since the opposite party has not paid any money towards maintenance. Distance between the two places at Alipore to Siliguri is overnight journey by train which is very difficult for the petitioner to attend the court at Alipore from a far place at Siliguri.

Bearing in mind the inconvenience on the part of the wife and considering that the husband opposite party is residing at Bangalore at his workplace and even has to go abroad for his service, the prayer of the petitioner for transfer is considered and allowed as it will not be difficult for him to travel from Bangalore to Siliguri to attend court proceedings.

Accordingly, the Matrimonial Suit No. 308 of 2019 pending in the court of learned Additional District Judge, 3rd Court, South 24 Pargans be withdrawn and transferred to the file of learned Additional District Judge at Siliguri.

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

Thus the application being C.O. 2428 of 2019 is disposed of.

(Shivakant Prasad, J.)