

22.12.2021
Item No.17
Ct. No.7
AGM/RKB
(disposed of)

**C.O. 1731 of 2021
(Physical Hearing)**

**Sumita Chowdhury
Vs.
Shyamal Chowdhury**

Mr. Satyam Mukherjee, Adv.
...for the petitioner

Mr. Partha Pratim Roy,
Mr. R. K. Dubey,
...for the opposite party

This is an application for transfer under Section 24 of the Code of Civil Procedure, seeking transfer of Matrimonial Suit No.2624 of 2019 pending before the learned Additional District Judge, Fast Track 1st Court at Barasat, North 24 Parganas to the Court of learned Additional District Judge, Ranaghat, Nadia.

Mr. Satyam Mukherjee, learned advocate representing the petitioner/wife submits that after being deserted by her husband, the petitioner has been staying in her parental house at Ranaghat in most neglected condition. She has no income to maintain herself. Though the petitioner has invited two proceedings, one under Section 125 Cr.P.C., and another criminal case under Section 498A I.P.C. against her husband at Barasat Court, but the

petitioner has a contemplation to get the maintenance case transferred at Ranaghat Court.

It is further submitted by the learned advocate for the petitioner that it would be very difficult for the petitioner to participate in the hearing process of matrimonial suit pending at Barasat Court, travelling a considerable distance, and spending necessary money therefor alone, in the absence of any male member to accompany her. Since the father of the petitioner is old and ailing, the petitioner is at most disadvantageous stage to take the required journey in the interest of ensuring her appearance in the matrimonial proceeding.

As regards the grounds set out in the transfer application, harassment, hardship, long distance to be covered, multiplicity of litigations and the financial constraints are focussed.

Per contra, Mr. Partha Pratim Roy, learned advocate for the opposite party/husband submits that opposite party would be equally at disadvantageous position to travel to Ranaghat Court, in the event of the matrimonial suit being transferred to Ranaghat Court.

The opposite party/husband is now engaged as serviceman of a Railway Co-operative Bank, and presently posted at Sealdah. It is further contended that in the event of the case being transferred to the

proposed place, the service of the opposite party will also be disturbed to a considerable degree.

In a case of this nature, comparative advantages, disadvantages and harassment to be caused are of significant consideration.

Both the fighting estranged couple talk about their respective harassment to be caused and comparative advantages and disadvantages in this transfer application.

Upon consideration of the submissions advanced by both the parties to this case, and bearing in mind the comparative advantages, disadvantages and harassment of the parties to this case, the court is of the view that if the case is transferred to Barrackpore Court, where it is expected that the comparative advantages, disadvantages and harassment of the parties may be curtailed to considerable degree, and that would not cause any prejudice to either of the parties.

Barrackpore Court is situated at convenient location, which may be commuted by either of parties to this case for availability of several conveyances to reach over there.

The transfer application is thus disposed of, directing learned Additional District Judge, Fast Track 1st Court at Barasat, North 24 Parganas to transfer Matrimonial Suit 2624 of 2019, to Additional

District Judge, 2nd Court, Barrackpore, North Parganas, within two weeks after the Winter Vacation of the District Judiciary.

Both the parties are accordingly directed to ensure their respective appearance before the transferee court on 27th January, 2022.

The transferee court after receipt of the case record from the transferor court shall proceed to dispose of the matrimonial suit, providing sufficient opportunity of hearing to either of the parties to the case.

With the above observations/directions, the transfer application stands disposed of.

The connected application, if any, is also disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)