

17 12.04.2021
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C.O 3033 of 2019

Ct.9.

Anita Murmu vs. Mukunda Murmu

Mr. S. Banerjee
Mr. Kunal Ganguly
..For the petitioner.

Attempts were made to effect service upon opposite party husband.

By order dated 18.03.2021, this Court directed the petitioner to effect service through learned advocate who filed the Matrimonial Suit No. 22 of 2019 pending in the court of learned Additional District Judge, Purulia.

Affidavit of service has been filed which shows that service has been refused. Therefore, the opposite party appears to be refusing to accept the service. Therefore, this Court finds no other alternative but to consider the application filed on behalf of the petitioner wife.

The opposite party husband had initially taken out the Matrimonial Suit No. 148 of 2017 before the learned District Judge, Purulia but the said suit was dismissed for default by the learned Additional District Judge, 2nd Court at Purulia vide an order dated 24th July 2019. Suppressing the material facts, the opposite party husband again filed the present Matrimonial Suit No. 22 of 2019 under section 9 of the Hindu Marriage Act, 1955. It goes to show that he is not interested to reconstitute conjugal rights but to save his skin.

Be that as it may, the petitioner's case is that she is driven out from her matrimonial home who is now residing in

her parental house at Sitalpur, P.S. Kulti, West Burdwan with utmost difficulties in these hard days. As such, she was compelled to file an application under section 125 Cr.P.C for maintenance before the Judicial Magistrate, 2nd Court at Asansol being Misc. Case No. 389 of 2017, in which case, an interim order of maintenance has been passed. Since no interim maintenance has been paid by the opposite party husband pursuant to order of learned Magistrate, the petitioner was compelled to file Misc. Execution Case No. 7180 of 2018.

Having regard to the fact that the place between the Raghunathpur, Purulia and Asansol, from where the matrimonial suit for restitution of conjugal right has been sought to be transferred, is at a distance of 50 k.ms and she has to travel by train for near about 100 k.ms because for the purpose of availing train service, she has to travel by bus from Shitalpur to Asansol Station and from Asansol station, she has to travel by train to Joychandipahar Station to attend Raghunathpur court. That apart, the petitioner has a baby aged three years to look after.

Bearing in mind the inconvenience being faced by the petitioner/wife in attending the court at Rathunathpur in the District of Purulia, the prayer of the petitioner for transfer is considered and allowed.

Let the Matrimonial Suit No. 22 of 2019 pending in the court of learned Additional District Judge, Raghunathpur, Purulia be withdrawn and transferred to the file of learned District Judge at Asansol, Paschim Burdwan.

On receipt of the record, the learned District Judge, Paschim Burdwan at Asansol will be at liberty to transfer the case, in turn to any competent court of Additional District Judge at Asansol.

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

Thus the application being C.O. 3033 of 2019 is disposed of.

(Shivakant Prasad, J.)