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15.07.2021
S.D.

Through Video Conference

**C.O. 3763 of 2019
Paramita De (Dutta)
Vs.
Sumit Dutta**

Mr. P.P. Dey
Mr. Sarbananda Sanyal

....For the petitioner.

The communication to the opposite party has been effected on behalf of the petitioner as per the direction given on 18.3.2021. That apart, it appears from the order dated 3.3.2020 that notice of the instant proceeding was duly served upon the opposite party, but since none appears on behalf of the opposite party despite notice, upon hearing Mr. Sarbananda Sanyal, Advocate on record for the petitioner, the application under Section 24 of the Code of Civil Procedure is taken up for hearing on its merits.

The wife/petitioner has sought for transfer of Matrimonial Suit No. 587 of 2019 pending before the learned Additional District Judge (1st Court) at Serampore, Hooghly to the Court of learned District Judge, Murshidabad at Berhampore under the provision of Section 24 of the Code of Civil Procedure.

The marriage between the petitioner/wife and the opposite party was solemnized on 10.12.2017 as per the Hindu Marriage Act, 1955 and the petitioner had to leave her job at the time of marriage upon being forced by the husband/opposite party. After marriage, the husband/opposite party took wife/petitioner along with his parents to his address at Bengaluru, Karnataka, but she was subjected to physical and mental torture and eventually on being driven out by her husband/opposite party and his parents on 13.8.2018, she had no option but to come to parents house. The petitioner initiated proceeding for reconciliation before the District Legal Services Authority, Murshidabad being D.L.S.A. Case No. 155-C of 2018, and the matter was disposed of vide Order No. 04 dated 9.1.2019. As the settlement between the parties could not be arrived at, the petitioner filed an application under Section 125 C.P.C. for maintenance being M.R. Case No. 22 of 2019 now pending before the Judicial Magistrate, 2nd Court, Berhampore, Murshidabad. It is pointed out that the petitioner is a student of Union Christian Training College as B.Ed. (Eng) and has to attend classes on daily basis.

All on a sudden, the petitioner received summon from the Court of Additional District Judge, 1st Court at

Serampore, Hooghly and came to know that her husband/opposite party has instituted a suit under Section 13 of the Hindu Marriage Act, 1955 being M.A.T. Suit No. 587 of 2019 for a decree of divorce. It is submitted that the distance between the place of residence at 6 B.K.N. Road, P.O. & P.S. – Berhampore, District – Murshidabad to Serampore Court in the district of Hooghly is more or less 185 KM and it is very inconvenient to the petitioner to travel such a long distance to contest the aforesaid suit at Serampore as because there is no direct communication between Serampore, Hooghly and Murshidabad at Berhampore by train and it would take around eight hours to reach Serampore Court from Berhampore. So it is quite impossible for the petitioner to contest the suit by attending the Court at Serampore, Hooghly as there is none to accompany her to the Court because her elderly parents suffering from high diabetes and very much dependent on the petitioner and it is submitted further that to and fro journey from Berhampore to Serampore and Serampore to Berhampore would consume nearly 16 hours.

Having heard the learned Advocate for the petitioner and in consideration of the factual aspect of the case as discussed above, this Court is of the view that there is every

scope of reconciliation between the parties since the petitioner/wife has every mind to lead her married life but she has to be allowed an opportunity to contest the matrimonial suit which can only be possible in the given situation, if the proceeding in the matrimonial suit is transferred to the file of learned District Judge, Berhampore, District – Murshidabad.

Accordingly, this Court directs that the matrimonial suit being M.A.T. Suit No. 587 of 2019 be immediately withdrawn from the file of Additional District Judge (1st Court) at Serampore, Hooghly to the file of the learned District Judge, Murshidabad at Berhampore.

Thus, the application under Section 24 of the Code of Civil Procedure being C.O. 3763 of 2019 is disposed of without any order as to costs.

Let a copy of the order be communicated to both the transferor and transferee Court for necessary action and with the direction upon the learned District Judge to expedite the hearing of the matrimonial suit.

(Shivakant Prasad, J.)