

15.
20.07.2021
S.D.

C.O. 1422 of 2020

Anamika Sinha (Pal)
Vs.
Saibal Pal

Mrs. Karabi Roy

..For the Petitioner.

Affidavit of service, which effects the service upon the opposite party, filed in Court be kept on record.

In this application for transfer of the matrimonial proceeding in M.A.T. Suit No. 44 of 2020 now pending in the Court of learned District Judge, Hooghly, the petitioner/wife has sought for transfer of the same to the Court of learned District Judge, Nadia at Krishnagar.

The petitioner's contention is that after marriage, the petitioner was subjected to mental and physical torture in her matrimonial home for demand of more dowry and she had sustained burn injury allegedly inflicted by her husband. Thereafter, the petitioner was taken to Maghataburu, Jharkhand, where her husband was posted. There something was administered to her for which she had to be admitted to hospital and was discharged from the hospital on 7.8.2017 after treatment. Having no alternative, she filed a Misc. Criminal Case No. 62 of

2018 and by order dated 3.3.2020, the learned Judicial Magistrate, Krishnagar passed an order of interim maintenance in the said proceeding under Section 125 Cr.P.C. It is further submitted that the petitioner was compelled to file a case under Section 498A/307 IPC and Dhubulia Police Station Case No. 56 of 2018 dated 9.2.2018 was started for investigation and the petitioner has filed a complaint under Section 406/34 IPC and a case being Dhubulia Police Station Case No. 351 of 2018 dated 30.12.2018 was started against the opposite party and all such cases are pending before the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia wherein the opposite party has appeared to defend the proceeding. Despite such mental and physical injury inflicted on her, the petitioner had every mind to go for conjugal life, but suddenly she has received notice in the said matrimonial proceeding which was filed on behalf of the opposite party/husband with the frivolous allegations.

Now, it is difficult for the petitioner being a destitute lady having no income of her own to contest the matrimonial suit by travelling a distance of more than 100 kms. in a day to attend the Court as on every occasion her father has to accompany her to attend the Court in Chinsurah to contest the matrimonial suit.

Accordingly, the petitioner has prayed for requisite order for transfer of the matrimonial suit.

It appears from the record that the petitioner has taken several attempts to modify the opposite party/husband with regard to the present case and has filed affidavit of service which are evident of the fact that despite notice given to the opposite party/husband, none has appeared. Therefore, it is imperative for this Court to take into consideration the inconvenience being faced by the petitioner/wife in attending the Court to contest the matrimonial suit.

In the context of the above and upon hearing the learned Advocate for the petitioner, to facilitate the petitioner/wife to contest the matrimonial proceeding and to mitigate the inconvenience being faced by the petitioner, the matrimonial suit being M.A.T. Suit No. 44 of 2020 be withdrawn from the file of the Court of the learned District Judge, Hooghly and be transferred to the file of learned District Judge, Nadia at Krishnagar.

Thus, the application under section 24 of the CPC being C.O. 1422 of 2020 is disposed of without any order as to costs.

Let a copy of this order be communicated to the transferor and transferee Courts for their necessary action.

(Shivakant Prasad, J.)

