

S/L 7.
23.03.2021
S.D.

**C.O. 1590 of 2020
(Via Video Conference)**

**Smt. Deepabali Datta
Vs.
Sri Sujan Mitra
(Via Video Conference)**

Mr. Satyam Mukherjee
Mr. Soumyadeep Mukherjee
....For the petitioner.

Mr. Sanjib Kumar Dan
Mr. Rajarshi Basu
...For the O.P.

A report has been submitted by the Assistant Registrar (IV) on 15.3.2021 with regard to the compliance of the Court's order dated 4.2.2021 by which the Senior Superintendent of Post Office concerned was directed to report as to whether the item was served to the addressee or returned to the sender within a fortnight as the track report reflects that the item was delivered to the Senior Superintendent, Post Office, Barasat H.O., however, no report was received from the end of the Senior Superintendent, P.O., Barasat H.O. Now, the opposite party has already entered appearance. Therefore, there is no further step required for the report to be obtained from the Senior Superintendent, P.O., Barasat H.O.

Let it be so recorded.

In this application, the petitioner/wife has sought for transfer of Matrimonial Suit filed against her by her husband being M.A.T. Suit No. 615 of 2020 now pending in the Court of 4th Additional District Judge, Fast Track Court at Barasat to the Court of learned District Judge, Purba Burdwan.

It is submitted that the petitioner has been compelled to stay in her parents' house at Lakshmipur, Purba Burdwan. She has suddenly received a Summon in respect of the said case and came to know that the opposite party/husband filed a suit for resolution of marriage. It is pointed out that the petitioner has to attend classes at Institute of Education (P.G.) for Women in Khalisani, Bhadreswar, Hooghly for her higher studies. It is further pointed out that she was driven out from her matrimonial home and her father is 68 years old and a retired clerk of West Bengal Health Services. It is submitted that her parents' house is situated at the distance of not less than 150 K.M. from the Court of learned District Judge, North 24 Parganas at Barasat. So, it will be inconvenient for her to travel such a long distance to contest the suit at Barasat. That apart, she has no source of income of her own. She has to live at her paternal home at the mercy of her parents. Specific contention is that the petitioner has to come to Burdwan by

Rickshaw and then take a Train to Bandel and then another train from Bandel to Naihati and after that she has to take another train to Barrackpore and then the petitioner has to take a bus/auto to Barasat. Therefore, it will take near about four hours to reach Barasat Court from Lakshmipur, Purba Burdwan and for undertaking journey to attend Barasat Court, it will take about eight hours journey including to and fro journey from her place of residence and Purba Burdwan.

In rebuttal Mr. Dan, learned Advocate for the opposite party submits that the parents of the petitioner have a private car and can travel to Barasat Court right from Burdwan by her car and for that necessary charges will be given to her at the cost of the opposite party. If that be so, the opposite party/husband can very well consume fuel by availing a private car to attend the learned District Judge Court at Purba Burdwan. Therefore, this Court is unable to accept such submission on behalf of the opposite party.

Now, having regard to principle laid down by the Hon'ble Supreme Court for considering the convenience of the petitioner/wife, let the proceeding of Matrimonial Suit No. 615 of 2020 pending in the Court of learned Additional District Judge, 4th Fast Track Court, Barasat, North 24-

Parganas be withdrawn and be transferred to the file of learned District Judge, Purba Burdwan.

A copy of the order be communicated to the learned 4th Additional District Judge Fast Track Court at Barasat, North 24 Parganas and the Court of learned District Judge, Purba Burdwan for information and necessary action.

Thus, the application being C.O. 1590 of 2020 is disposed of.

No order as to costs.

Urgent certified copies of this order, if applied for, be given to the parties upon compliance of the usual formalities.

(Shivakant Prasad, J.)