

21.11.2022
141
Ct. no. 652
sb

C.O. 96 of 2022

Joyati Naskar Singh
Vs.
Dipak Kumar Singh

Mr. Debanik Banerjee
Mr. Steven Sourodip Biswas
Mr. Aniruddha Ganguly ...for the petitioner

Affidavit of service filed by the petitioner, is taken on record. Opposite party is not represented.

This is an application under Section 24 of the Civil Procedure Code, seeking transfer of Matrimonial suit no. 199 of 2021 pending before the learned Additional District Judge, 3rd Court, Asansol to the court of the learned District Judge, South 24 parganas at Alipore.

The petitioner contended that the marriage between the parties was solemnised on 14.6.2013 according to Hindu Rites and Customs. The petitioner alleged that she was tortured by her husband/opposite party on demand of dowry whenever the opposite party came to visit her at her paternal home in Kalua. Having no other alternative, the petitioner lodged written complain with the Officer-in-charge, Haridevpur police station and the said case is now pending before the learned Additional Chief Judicial Magistrate at Alipore. The petitioner is eager to contest and defend the

aforesaid Matrimonial suit but in view of the strained relationship and the distance involved between the two places it has become impossible possible for her to defend the said suit. The court at Asansol situates at a distance of about 220 kilometres from her residence and it takes 5 to 6 hours by public convenience to reach the said court. She has no other male member in her family to escort her. The petitioner further alleged that due to strained relationship that is persisting between the parties and also from the past conduct of the opposite party and also because continuous threat given by the opposite party, she is suffering from anxiety and it is also not safe for her to travel alone in order to defend her case at Asansol. Petitioner states that she is an unemployed lady living with her family and solely dependent upon the income of her brother for her sustenance and livelihood. She is not receiving any maintenance and/or alimony from the opposite party for her daily expenses. Therefore it will also create a financial burden upon the petitioner to travel to Asansol town for contesting the said Matrimonial Suit. Accordingly, she has prayed for aforesaid transfer.

Having considered the facts and circumstances of the case and that the distance involved between the two places is about 220 kilometres and that the criminal proceeding initiated by the petitioner is pending before the learned Magistrate at Alipore court where the

opposite party would be required to attend and that in such cases where the husband/opposite party has filed suit for dissolution of marriage and the petitioner/wife is an unemployed lady, convenience of the petitioner would be of paramount importance and that inconvenience cause to a female in travelling to another place for pursuing a matrimonial suit, in socio-economic situation prevailing in our country is much more than the inconvenience that might be caused to husband in travelling the same.

I find that this is a fit case where the prayer made by the petitioner is allowed.

Accordingly, learned District Judge, Paschim Burdwan is directed to withdraw the Matrimonial suit no. 199 of 2021 pending before the learned Additional District Judge, 3rd Court, Asansol and to transmit the same to the court of the learned District Judge, Alipore, South 24 parganas within period of three weeks from the date of communication of the order.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the suit.

The department is directed to send a copy of the order to the learned District Judge, Paschim Burdwan and learned District Judge, Alipore, South 24 parganas.

Accordingly, C.O. 96 of 2022 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)