

S/L 188
22.12.2022
Court No.652
SD

CO 188 of 2021

Tulika Banerjee
Vs.
Rana Banerjee

Mr. Dhananjay Banerjee
Mr. Soumyajit Das Mahapatra

...for the Petitioner.

Mr. Dibyajoti Raha
Mr. Siddhartha Narayan Bhattacharya
Mr. Pritam Mukherjee

...for the Opposite Party.

Affidavit of service filed by the petitioner in court today be kept with the record.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.1826 of 2020 from the Court of learned 10th Additional District Judge, South 24 Parganas at Alipore to the Court of learned Additional District Judge, Ranaghat, Nadia.

The petitioner contended that the marriage between the petitioner and the opposite party was solemnized on 22.5.2017 according to Hindu rites and customs. The petitioner alleged that the initial days of her marital life was rosy but after some time it got sour. The husband as well as other in laws used to abuse the petitioner mentally.

On 08.3.2020 the petitioner and the opposite party came to the parental house of the petitioner and after spending one night, the opposite party left and it was told to

her that he will come back on 15.3.2020. Subsequently, he did not turn up and on 31.12.2020 the petitioner went to her matrimonial house but unfortunately she was not allowed to enter into her matrimonial house.

The petitioner further alleged that she had tried her level best to mitigate the situation but could not succeed and came back to her parental house at Ranaghat where she is now residing. All on a sudden, she received a notice and came to learn that opposite party has initiated aforesaid proceeding for dissolution of marriage which is now pending in the court of learned 10th Additional District Judge at Alipore.

The petitioner states that though she intends to contest the said proceeding but she is unable to travel from Ranaghat to Alipore as distance between the two places is about 80 kms. which takes around three hours travel in one way. The petitioner is a housewife having no source of income and it is alleged that the opposite party has not paid a single furthering towards maintenance to the petitioner.

The petitioner states that her father expired about three years back and there is no male member in her family to accompany her as her mother is an aged ailing lady. In the above backdrop, she has sought for aforesaid transfer.

The opposite party has denied all the aforesaid allegations by filing affidavit-in-opposition and submits that the ground taken by the petitioner seeking transfer is not true as at a regular interval she comes to Kolkata and it

would not at all be inconvenient for her to attend the said proceeding at Alipore if it is continued therein. However, opposite party submits, if any, transfer is at all allowed, it should be in a mid point, so that neither party feel any inconvenience.

Having considered the submissions made by learned counsel appearing on behalf of both the parties and the materials on record and also considering the distance involved between the two places and that the petitioner is an unemployed lady who is residing at Ranaghat at her parental house and that she has none to accompany her and that in such cases where husband has initiated a proceeding for dissolution of marriage, the convenience of the petitioner is of paramount importance and that the inconvenience caused to the wife/petitioner in travelling to another place for pursuing a matrimonial case in socio-economic situation prevailing in country is much more than inconvenience caused to the husband/opposite party, the prayer for transfer made by the petitioner is allowed at Kalyani Court instead of Ranaghat, considering balance of convenience and inconvenience of both the parties.

In view of above, learned District Judge, South 24 Parganas, Alipore is hereby directed to withdraw the Matrimonial Suit No.1826 of 2020 from the court of learned 10th Additional District Judge, Alipore and to transmit the case record to the Court of learned District Judge, Nadia at Krishnagar within a period of three weeks from the date of

communication of the order. The learned District Judge, Nadia at Krishnagar, in turn, will transfer the same to the court of learned Additional District Judge, Kalyani having jurisdiction to try the suit within a period of three weeks thereafter.

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

Department is directed to serve a copy of this order to the learned District Judge, South 24-Parganas at Alipore as well as the learned District Judge, Nadia at Krishnagar.

With these observations, C.O. 188 of 2021 is disposed of.

There will be no order as to costs.

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

(Ajoy Kumar Mukherjee, J.)