

Ct. 17.6
No. 2022
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C.O. 298 of 2022
Smt. Piyali Chatterjee Goswami
-Versus-
Chandan Kumar Chatterjee

Mr. Soumik Ganguly
Mr. Dilip Kumar Sadhu

...For the Petitioner

This revision arises out of an application under Section 24 of the Code of Civil Procedure seeking transfer of a matrimonial suit from the Court of the learned Additional District Judge, Arambagh, District – Hooghly to the Court of the learned District Judge, Purba Bardhaman.

It is stated by the petitioner, Smt. Piyali Chatterjee (Goswami) that her marriage with the opposite party, Chandan Kumar Chatterjee was solemnized on January 11, 2020 under the Special Marriage Act, 1954. Thereafter, their marriage was solemnized socially on January 17, 2020 according to Hindu rites and customs. The marriage between them was duly consummated. The petitioner alleges that the opposite party subjected her to mental torture by keeping illicit relationship with other women. She complains that the opposite party after inflicting torture upon her turned her out of her matrimonial home on June 19, 2020. Since then she has been residing at her parental home at Village – Kaiyar, Post Office – Koyar, Police Station – Khandaghosh, District – Purba Burdwan.

All on a sudden the petitioner after getting a summons from the matrimonial suit came to know that the opposite party filed a Matrimonial Suit, being No. 62 of 2021 in the Court of the learned Additional District Judge, Arambagh, District – Hooghly seeking dissolution of marriage between them.

The petitioner submits that it will take 7/8 hours for one way journey to go to Arambagh to attend the matrimonial proceeding. Under such circumstances, she seeks transfer of the aforesaid matrimonial suit.

Despite service of notice upon him, there is no representation on behalf of the opposite party.

In the absence of the opposite party it may be deemed that the facts and circumstances as stated in the application remain uncontroverted. From such factual aspects supported by affidavit I feel that it will be indeed hardship for the petitioner to attend the Court at Arambagh to participate in the hearing of the matrimonial suit. Inconvenience of a wife may be a paramount consideration while dealing with an application under Section 24 of the Code of Civil Procedure.

In view of the above, the revisional application is allowed.

Let the Matrimonial Suit, being No. 62 of 2021 be withdrawn from the Court of the learned Additional District Judge, Arambagh, District – Hooghly and the suit be transferred to the Court of the learned District Judge, Purba Bardhaman for disposal.

Learned District Judge, Purba Bardhaman may dispose of the suit either himself or transfer the suit to any of the Courts of the learned Additional District Judge at the station.

The learned District Judge, Arambagh, District - Hooghly, is directed to transmit the case record of the

matrimonial suit to the transferee court immediately after receipt of a copy of the order.

With the aforesaid direction, C.O. 298 of 2022 stands disposed of.

There will, however, be no order as to costs.

Let a copy of this order be communicated to both the Courts below for information and compliance.

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

(Rabindranath Samanta, J.)