

June 22, 2022
Sl. No.13
Court No.14
s.biswas

CO 411 of 2020

Deepika Pradhania Tunga
vs.
Tapas Kumar Tunga

Mr. Subhasish Bhattacharya, Advocate
...for the petitioner

Affidavit of service filed by the petitioner be kept with the record. Despite service of notice there is no representation on behalf of the opposite party.

The instant revision arises out of an application under Section 24 of the Code of Civil Procedure seeking transfer of the matrimonial suit from the Court of Learned Additional District Judge, Haldia, Purba Medinipur to the court of Learned District Judge, Hooghly at Chinsurah.

It is stated by the petitioner Deepika Pradhania Tunga that her marriage with the opposite party Tapas Kumar Tunga was solemnized on 25th February, 2010 according to Hindu Marriage Act, 1955. Their marriage was duly consummated and out of her wedlock with the opposite party, the petitioner gave birth of a female child on 14th April, 2011. The petitioner complains that while she was pregnant, the opposite party subjected her to cruelty by various ways. She was driven out of her matrimonial home in the month of October, 2012. Getting no other alternative she took shelter at her

parental home and she has now been residing at her parental home.

All of a sudden the petitioner, after getting summons from Court, came to know that the opposite party filed a Matrimonial Suit being No.114 of 2018 in the court of Learned Additional District Judge, Haldia, Purba Medinipur. The petitioner states that to go to the Court at Haldia from her parental home it will take 6/7 hours' time. The father of petitioner had cerebral attack in the year 2017 and now he is very ill and suffering from partial paralysis. Her mother is a patient of hypertension and diabetes. In such circumstances, the petitioner will not get assistance of any of her parents to go to the Court at Haldia. The daughter of the petitioner is minor.

In the aforesaid facts and circumstances, the petitioner seeks transfer of the matrimonial suit.

In the absence of the opposite party it will be deemed that the facts and circumstances as stated in the application remain uncontroverted.

Having heard the Learned Counsel for the petitioner and on consideration of the circumstances as narrated by the petitioner in the application, I feel that it will be indeed hardship for the petitioner to travel a long distance to reach Court at Haldia to participate in the matrimonial proceeding.

In view of the above, revisional application is allowed.

Let the Matrimonial Suit being No.114 of 2018 be withdrawn from the Court of the Learned Additional District Judge, Haldia, Purba Medinipur and the suit be transferred to the court of the Learned District Judge, Hooghly at Chinsurah for disposal.

The Learned District Judge, Hooghly may either dispose of the suit himself or herself or transfer the same to any of the Courts of the Learned Additional District Judge, Chinsurah for disposal.

The Learned Additional District Judge, Haldia is directed to transmit the case record to the Court of the Learned District Judge, Hooghly immediately after receipt of the copy of this order.

Let a copy of this order be communicated to both the learned courts below immediately.

Thus, CO 411 of 2020 stands disposed of. No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Rabindranath Samanta, J.)