

22.11.2022
153
Ct. no. 652
sb

C.O. 369 of 2022

**Anwasha Ghosh
Vs.
Subhasish Ghosh**

Mr. Farhan Ghaffar
Ms. Sagufta Saba Yasmin ...for the petitioner

Mr. Pratip Kumar Chatterjee
...for the opposite party

This is an application under Section 24 of the Civil Procedure Code seeking transfer of Matrimonial Suit no. 189 of 2021 pending before the learned Additional District Judge, 2nd Court, Kandi, Murshidabad to the court of the learned Additional District Judge, Nabadwip, Nadia.

The petitioner contended that the marriage between the parties was solemnised on 5.3.2021 according to the Hindu Rites and cumstoms. The petitioner alleged that the opposite party is adicted to alchohol and since inception of marriage, the petitioner was subjected to various physical and mental torture. The petitioner suffers from ailments but was not allowed to be examined by doctor. The petitioner tried her level best to continue with the matrimonial life but ultimately it did not succeed. On 5.10.2021, the opposite party assaulted the petitioner physically and had driven her

out from her matrimonial home, snatching all her stridhan articles and belongings. Till then, the petitioner is living at her parents house at the mercy of her parents. The petitioner has initiated a proceeding under Section 125 of the Criminal Procedure Code being Misc. case no. 9 of 2022 which is pending before the learned Chief Judicial Magistrate, Nadia. The distance from petitioner's place of residence and the court at Kandi is about 118 kilometres. There is no direct transportation in between said two places and it has become extreme hardship for the petitioner to make said journey, due to financial constraints and other difficulties. Accordingly, the petitioner has prayed for aforesaid transfer.

Learned counsel for the opposite party raised vehement objection and contended that the opposite party is a school teacher and it would not be possible for him to get leave from his school every now and then. He submits that if the transfer is at all made, then the case may be transferred to the court of learned Additional District Judge, Katwa, within the District of Purba Burdwan.

Having considered the facts and circumstances of the case and that the petitioner is an unemployed lady who has initiated a proceeding under Section 125 of the Criminal Procedure Code which is pending before the learned Additional Chief Judicial Magistrate, Nabadwip where the opposite party would be required to attend

and that in such cases where the husband has filed suit for dissolution of marriage, the convenience of the petitioner is of paramount importance and considering the materials, I find that this is a fit case where prayer for transfer is allowed.

Accordingly, C.O. 369 of 2022 is hereby disposed of with a direction upon the learned District Judge, Murshidabad to withdraw the Matrimonial Suit no. 189 of 2021 pending before the learned Additional District Judge, 2nd Court, Kandi, Murshidabad and to transmit the same to the court of the learned District Judge, Nadia within a period of three weeks from the date of communication of the order, who in turn will transfer the same before the learned Additional District Judge, Nabadwip, having jurisdiction within a period of three weeks thereafter.

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

The department is directed to send a copy of the order to the learned District Judge, Murshidabad and learned District Judge, Nadia at Krishnagar.

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.)