

28.03.2022
Ct. 21
D/L 09

C.O. 382 of 2022
(Via Video Conference)

Dipika Barman (Shome)
-Vs-
Suman Shome.

Mr. Sayan De,
Mr. Kaustav Shome,

... for the petitioner

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das,

...for the opposite party

The petitioner files affidavit of service along with postal receipts and track reports showing due service of the notice on the other side.

Mr. Sayan De learned Advocate appears on behalf of the petitioner.

Mr. Tanmoy Mukherjee, learned Advocate appears on behalf of the opposite party.

The application under Section 24 C.P.C. is taken up for hearing. Heard learned Counsels for both sides.

Petitioner/wife has filed the present application under Section 24 C.P.C. seeking transfer of the Matrimonial Suit No. 1607 of 2021 under Section 9 of the Hindu Marriage Act, 1955 from the Court of Additional District Judge at Alipore, Kolkata to the Court of learned District Judge at Krishnagar, Nadia.

The cause title shows at present the petitioner is residing at her parents' house situated in village Debagram, Police Station Kaligang in the district of Nadia. Whereas the opposite party husband appears to be a resident of Purba Ananda Polly, Purbva Putiary, Police Station Regent Park, District South 24 Parganas/Kolkata-93.

From the record it appears that the petitioner is married to opposite party according to the Hindu Rites and Customs on 24.11.2020 and which was subsequently registered on 03.12.2020. After marriage the petitioner went to live in her matrimonial home at Regent Park, South 24 Parganas/ Kolkata-700093. She has alleged in the matrimonial home she was subjected to mental torture by her father-in-law and her husband. During lockdown torture upon her escalated and was also subjected to physical assault by her husband for without any reason. Being unable to tolerate the torture she had to leave her matrimonial home on 28th May, 2021.

After her departure from matrimonial home, the opposite party did not bother to take information regarding her well being and even try to contact her but surprisingly he filed a Matrimonial Suit under Section 9 of the Hindu Marriage Act before the District Court at Alipore.

She has alleged that she is a young lady who was born and brought up in a remote village, is not accustomed to travel alone from Kaliaganj to attend Court at Alipore as both of her parents are unwell and aged. That they shall not be able to accompany her all the way from Kaliaganj to Alipore Court, the distance between is around 200 km. and takes more than four hours journey. She has also contended that she being an unemployed having no source of income it would be financially difficult to meet travel expenses. Therefore, she has prayed for transfer of the case to the Court of District Judge, Krishnagar.

She has also expressed her apprehension that in case if she is unable to attend the Court then the husband may obtain ex parte order.

On the other hand it has been contended by the learned Counsel for the opposite party that it would be quite disadvantage for opposite party to participate in the hearing process of Matrimonial Suit in the event the same is transferred to Krishnagar. Therefore, he prays for the case may be transferred to a place which would be convenient for both the parties to attend the hearing.

On such submission made by learned advocate for opposite party, it has been agreed by learned Advocate for the parties, the case may be transferred to the Court of Additional District Judge, Kalyani which

will be convenient for both the parties being well connected by trains from their respective destinations.

In view of such submission, Matrimonial Suit No. 1607 of 2021 is withdrawn from the Court of Additional District Judge, 6th Court Alipore and transferred the same to the Court of Additional District Judge, Kalyani.

Additional District Judge 6th Court Alipore is requested to transfer the Matrimonial Suit No. 1607 of 2021 pending in his/her Court to the Court of Additional District Judge, Kalyani within a month from the date of communication of this order.

The transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached.

The parties shall appear before the learned Additional District Judge, Kalyani, in the District of Nadia on 30th April, 2022 irrespective of transfer of the records of the said matrimonial suit but only on the basis of the server copy of this order.

The learned Additional District Judge, Kalyani shall act on such communication and shall expedite the disposal of the suit in accordance with the law.

Accordingly, **C.O. 382 of 2022 is disposed of.**

Interim order, if any, stands discharged.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(**Kesang Doma Bhutia, J.**)