

01-07-2022
Item no.27
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO. No.441 of 2022
Smt. Moumita Saha Roy @ Moumita Saha @ Moumita
Saha Ray
-vs-
Sri Sumanta Ray

Mr. Aniruddha Bhattacharya
Mr. Indranuj Dutta ...for the petitioner

Affidavit of service filed in court be taken on record.
Despite service, none represents the opposite party.

The petitioner by way of this application under section 24 of the Code of Civil Procedure, 1908 seeks transfer of a matrimonial suit filed by the opposite party from the court of learned District Judge, 1st Fast Track Court, North 24-Parganas at Barrackpore to the court of learned District Judge, Jhargram.

To put precisely, it is the case of the petitioner that her marriage with the opposite party was solemnized on March 10, 2016 according to Hindu rites and customs. Their marriage was duly consummated; and out of their wedlock, a female child was born on June 29, 2018.

It is alleged by the petitioner that soon after her marriage, the opposite party and his family members inflicted torture, both physically and mentally, upon her. Unable to bear with the torture, she had to leave her matrimonial home and started residing at her parental home at Jhargram. The petitioner is an assistant teacher of a school in Jhargram.

The petitioner states she came to know that the opposite party filed a matrimonial suit being No.556 of 2021

against her which is pending in the court of learned Additional District Judge, 1st Fast Track Court at Barrackpore.

The petitioner states that the distance between her parental home and the court at Barrackpore is nearly 190 kms., and that her parents are aged persons. Therefore, it will be hardship for her to attend the matrimonial proceeding before the learned court at Barrackpore. Hence the prayer for transfer.

Since the opposite party has chosen not to contest the revisional application, it stands that the facts and circumstances as stated in the application supported by affidavit remain uncontroverted.

Having heard learned counsels appearing for the parties and considering the facts and circumstances as depicted in the section 24 CPC application, I feel that it would be wise to withdraw the matrimonial suit from the court at Barrackpore and transfer it to the court of learned District Judge, Jhargram.

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

Let the matrimonial suit being No.556 of 2021 be withdrawn from the court of learned Additional District Judge, 1st Fast Track Court at Barrackore and the suit be transferred to the learned District Judge, Jhargram for disposal.

The learned District Judge, Jhargram may dispose of the said suit himself/herself or transfer the suit to any of the courts of learned Additional District Judge, Jhargram for disposal.

Learned Additional District Judge, 1st Fast Track Court at Barrackpore, North 24 Parganas is directed to transmit the case record of the said matrimonial suit to the transferee court immediately after receipt of a copy of this order.

The department is directed to communicate this order to both the learned courts below forthwith.

CO No.441 of 2022 is thus disposed of. No order as to costs.

[Rabindranath Samanta, J]