

05.04.2022
Ct. 21
D/L 22

C.O.463 of 2022

Sri Debasis Biswas

Vs.

Smt. Antara Biswas

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal

... for the petitioner

Mrs. Arundhati Banerjee,
Mr. Kaustav Banerjee,

...for the opposite party

Parties are represented by their respective
Advocates.

The petitioner files two affidavit of service along
with postal receipts and track reports showing due
service.

The present application under Section 24 is taken
up for hearing.

The petitioner/husband Sri Debasis Biswas has
filed the present application under Section 24 of C.P.C.
seeking transfer of Matrimonial Suit No. 174 of 2022
from the Court of learned District Judge, Alipore to the
Court of learned District Judge, Nadia at Krishnanagar.

It has been contended that petitioner/husband is
a primary school teacher and now posted at Tehatta.
That he met with an accident in the year 2017 and due
to which he suffered grievous injuries on his person and

had to undergo several operations. That his limbs have been affected in such accident and he is still suffering. It would be very inconvenient for him to attend the Court all the way from Nadia to Alipore on each and every date of hearing with his present physical condition.

It has also been submitted by the learned advocate for the petitioner that respondent is also a resident of Nadia and just to harass the petitioner she has shown false address within the jurisdiction of Alipore Court.

It has been contended by learned advocate for the opposite party the marriage between the parties was a love marriage after long eight years of courtship but after the marriage attitude of the petitioner towards opposite party drastically changed. The paternity of the child born out of the wedlock has also been challenged and putting the opposite party in extreme humiliation. The petitioner made her life miserable in Nadia and due to which she had to leave her matrimonial home and take shelter in a rented house at Survey Park, within the jurisdiction of Alipore Court.

It has also come on record that husband too has filed divorce suit being Matrimonial Suit No. 14 of 2022 under Section 27 of the Special Marriage Act, 1974 before the learned District Judge, Nadia at Krishnanagar.

Admittedly, the petitioner is a school teacher at Tehatta and residing at his own house at Nadia, Krishnanagar. However, he has sought for transfer of the divorce suit filed by the wife in Alipore Court on his medical ground. Medical papers filed by the petitioner show that he is suffering from various ailments and is under the treatment of different doctors.

Keeping in view the facts the petitioner being a teacher of a school at Tehatta and not a physically fit person it would be great hardship on his part to attend the Court on each and every date of hearing at Alipore Court. On the other hand it is seen the paternal house of the opposite party wife is at Krishnanagar, Nadia and she appears to have received the notice of this case send at Krishnanagar address.

It has also come on record both the parties have filed two separate suits for divorce against each other being Matrimonial Suit being no. 174 of 2022 under Section 27 of the Special Marriage Act, 1954 before the learned District Judge, Alipore by wife and Matrimonial Suit being no. 14 of 2022 under Section 27 of the Special Marriage Act, 1954 before the learned District Judge, Nadia, Krishnagar by husband.

Therefore, considering the convenience and inconvenience of the parties and to avoid conflict of judicial decision it is necessary that both the divorce suits filed by the parties against each other need to be

heard by the same Court. Let the Matrimonial Suit No. 174 of 2022 be withdrawn from the Court of learned District Judge, Alipore and be transferred to the Court of learned District Judge, Krishnagar, Nadia.

Learned District Judge, Alipore shall transfer the records of Mat. Suit No. 174 of 2022 to the Court of learned District Judge, Nadia within a period of 30 days from the date of communication of this order.

The parties shall appear before the learned District Judge, Nadia, Krishnanagar on 16.05.2022 irrespective of transfer of the records of the said title suit but only on the basis of server copy of this order. Learned District Judge, Nadia, Krishnanagar, shall act on such communication.

Learned District Judge shall keep the record in his/ her own file or transfer the same to the Court having jurisdiction to try and dispose of the same or to the Court in which Matrimonial Suit No. 14 of 2022 is pending for disposal if the same has been transferred.

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

The transferee Court is further requested to expedite disposal of the said title suit in accordance with law.

Accordingly, **C.O. 463 of 2022 is disposed of.**

Connected application, if any, 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.**)