

13-06-2022
Item no.53
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO. No.486 of 2022
Manidipa Saha (Biswas)
-vs-
Milton Saha

Mr. Amarendra Nath Roy
Mr. N.C. Dey ...for the petitioner

Mr. Siraj Gooptu
Mr. Subhajay Sen ...for the opposite party

This is an application under section 24 of the Code of Civil Procedure, 1908 seeking transfer of a matrimonial suit from the court of learned Additional District Judge, FTC-II, Howrah to the court of learned Additional District Judge, Bongaon, North 24-Parganas.

To put succinctly, it is stated by the petitioner, Manidipa Saha (Biswas), that her marriage with the opposite party, Milton Saha, was solemnized on February 29, 2016 according to the Hindu rites and customs. The marriage between them was duly consummated and out of their wedlock, a male child, namely Dipayan, was born on January 1, 2017.

It is alleged by the petitioner that the opposite party subjected her to mental cruelty by various ways including keeping illicit relationship with some women.

The petitioner in her supplementary affidavit states that after she was compelled to take shelter at her parental home, she lodged an FIR at Bongaon Women police station which was registered as Bongaon Women P.S. Case No.04 of 2022 dated January 21, 2022 under sections 498A/406/307/506/34 IPC. This case registered as GR

Case No.372 of 2022 is pending in the court of learned ACJM, Bongaon. Besides, the petitioner has filed a maintenance case under section 125 CrPC which is pending in the court of learned Judicial Magistrate at Bongaon.

It is stated by the petitioner that the distance between the court of Howrah and her parental home is about 98 kilometres. It will be hardship for her with her minor child to travel 98 kilometres to attend the matrimonial proceeding before the Howrah court.

What I find from the supplementary affidavit, three separate proceedings, as above, are pending against the opposite party-husband in the different courts at Bongaon. It goes without saying that the opposite party is to attend the proceedings brought against him by the petitioner in the concerned courts at Bongaon.

Having heard learned counsels appearing for the parties and considering the facts and circumstances as stated in the application, I feel that it would be wise to withdraw the aforesaid matrimonial suit from the Howrah court and transfer the same to the concerned court at Bongaon.

In view of the above, the revisional application under section 24 CPC is allowed.

Let Matrimonial Suit No.1455 of 2021 pending in the court of learned Additional District Judge, FTC-II, Howrah be withdrawn and the suit be transferred to the court of learned Additional District Judge, Bongaon for disposal.

Learned Additional District Judge, FTC-II, Howrah is directed to transmit the case records of the aforesaid matrimonial suit to learned transferee court immediately

after receipt of a copy of this order. The learned transferee court shall make all endeavour so that the matrimonial suit may be disposed of as expeditiously as possible, without granting any unnecessary adjournments to either of the parties.

Let a copy of this order be communicated to learned courts below forthwith.

CO No.486 of 2022 is, thus, disposed of. No order as to costs.

[Rabindranath Samanta, J]