

06-07-2022

Item no.13

Subrata

IN THE HIGH COURT AT CALCUTTA

Civil Revisional Jurisdiction

CO. No.558 of 2022

Smt. Karabi Chatterjee

-VS-

Sri Saurabh Chatterjee

Mr. Biswajit Hazra
Mr. Archisman Sain ...for the petitioner

Mr. Ayan Banerjee
Ms. Debjani Sengupta ...for the opposite party

The petitioner in this revisional 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 Additional District Judge, 4th Court, Howrah to the court of learned District Judge, Paschim Bardhaman, Asansol.

It is stated by the petitioner that her marriage with the opposite party was solemnized on February 24, 2012 according to Hindu rites and customs. The marriage between them was duly consummated. Out of their wedlock, a female child was born on April 21, 2013.

The petitioner alleges that after the child was born, she was subjected to torture by the opposite party and his family members and she was driven out of her matrimonial home in the month of November 2019.

It is stated by the petitioner that she came to know that the opposite party filed a matrimonial suit being No.160 of 2020 under section 13 of the Hindu Marriage Act, 1955 seeking dissolution of their marriage in the court of learned District Judge, Howrah and subsequently the suit was transferred to the court of learned Additional District

Judge, 4th Court at Howrah.

It is submitted on behalf of the petitioner that the distance between her residence and the concerned court at Howrah is nearly 150 kms. Under such circumstances, it will be hardship for her to appear before the court at Howrah and attend the matrimonial proceeding. Hence the prayer.

It is submitted that the petitioner has a minor child and she is staying with her. The distance between the residence of the petitioner and the court at Howrah is nearly 145 kms. Inconvenience of wife should be treated as a paramount consideration while disposing of an application under section 24 CPC.

Having heard learned counsel for the petitioner and considering the balance of convenience and inconvenience of the parties, I feel that it would be wise to withdraw the aforesaid matrimonial suit from the concerned court at Howrah and transfer the suit to the court of learned Additional District Judge at Durgapur.

In view of the above, the revisional application is allowed by the following order.

Let the matrimonial suit being No.160 of 2020 be withdrawn from the court of learned Additional District Judge, 4th Court, Howrah and the suit be transferred to learned Additional District Judge, 1st Court at Durgapur for disposal.

The learned Additional District Judge, 1st Court, Durgapur may either dispose of the aforesaid suit himself/herself or transfer it to any of the courts of Additional District Judge at Durgapur for disposal.

Learned Additional District Judge, 4th Court, Howrah 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 learned courts below forthwith.

CO No.558 of 2022 is thus disposed of. No order as to costs.

[Rabindranath Samanta, J]