

29.9.2022
123
Ct. no. 652
sb

C.O. 559 of 2022

Hafiza Mondal
Vs.
Sekh Abdul Munim

Mr. Sayan Chattopadhyaya
Ms. Payel Shome ...for the petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Majifor the opposite party

The petitioner has filed this application under Section 24 of the Civil Procedure Code praying for transfer of the Matrimonial suit being no. 26 of 2021 pending before the court of learned Civil Judge, Junior Division 2nd Court, Purba Burdwan to the court of learned District Judge, Hooghly at Chinsurah.

The petitioner contended that the petitioner was married with the opposite party on 11.11.2021. As the petitioner refused to pay the amount demanded by the opposite party/husband and his family members, she was beaten up and subsequently thrown out of her matrimonial home on May 2021. Since then she is residing at her parent's house. The petitioner initiated a criminal proceeding which is pending before the learned Chief Judicial Magistrate, Chinsurah, Hooghly. Furthermore, the petitioner has also filed an application under Section 125 of the Code of Criminal Procedure

which is also pending learned Chief Judicial Magistrate, Chinsurah, Hooghly. In the meantime, the husband has filed aforesaid matrimonial suit no. 26 of 2021 before the learned Civil Judge, Junior Division, 2nd Court, Purba Burdwan. The petitioner is an unemployed lady and it is not possible for her to attend the said proceeding in Burdwan court. Accordingly, she has prayed for transfer of the aforesaid proceeding to the court of Hooghly, Chinsurah.

The petitioner further contended that Burdwan court situates at a distance of 74 kilometres and the petitioner alone cannot travel such distance to attend the said proceeding.

Learned counsel for the opposite party submits that the petitioner's residential address is at Vastara, Hooghly which situates at a place wherefrom the court of Burdwan and court of Hooghly situates almost at a same distance and as such there is no justification on the part of the petitioner to pray for aforesaid transfer.

Having considered the facts and circumstances of the case and that the petitioner is an unemployed lady and that under the socio economic condition, it is more hardship for the petitioner to travel in a separate district to attend the matrimonial proceeding and that in such cases, the convenience of the petitioner is of paramount importance, the prayer made by the petitioner is allowed.

The learned District Judge, Purba Burdwan is hereby directed to withdraw the matrimonial suit no. 26 of 2021 from the court of learned Civil Judge, Junior Division 2nd Court, Purba Burdwan and to transmit the same to the court of learned District Judge, Hooghly at Chinsurah within a period of three weeks from the date of the communication of the order and the District Judge, Hooghly in turn, will transfer the same to the competent court to try the suit within a period of three weeks thereafter.

The transferee court shall issue fresh notice to both the parties intimating the next date of hearing before taking up further proceeding of the said suit.

The department is directed to send a copy of this order to the court of learned District Judge, Hooghly at Chinsurah and also to the learned District Judge, Purba Burdwan.

Accordingly, C.O. 559 of 2022 is disposed of.

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

(Ajoy Kumar Mukherjee, J.)