

Ct. 08.6
No. 2022
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C.O. 573 of 2022
Smt. Tumpa Pramanick
-Versus-
Sri Sanjoy Pramanick

Mr. Dyutiman Banerjee

...For the Petitioner

Affidavit-of-service filed by the petitioner in Court today be kept on record.

Despite service of notice upon him, there is no representation on behalf of the opposite party.

The instant proceeding arises out of an application under Section 24 of the Code of Civil Procedure seeking transfer of a Matrimonial Suit from the Court of the learned District Judge, Bankura to the Court of the learned Additional District Judge, Bolpur, Birbhum.

The petitioner, Smt.Tumpa Pramanick was married to the opposite party, Sanjoy Pramanick on April 18, 2017 according to Hindu rites and customs. After the demise of his first wife, who was an Assistant Professor of a college the opposite party married the petitioner.

The first wife of the opposite party died leaving behind a male child in the year 2014. The child of the opposite party is a physically and mentally challenged boy. After the petitioner was married she took care of child of the opposite party. But as the child was physically and mentally challenged, the petitioner advised her husband to employ a person to look after the child. This infuriated the opposite party and his mother and they meted out ill treatment to her. It is alleged by the petitioner that she was constantly subjected to mental and physical torture by the opposite party. Under such circumstances, she had to leave her matrimonial home in the month of February 2018 and took

shelter at her parental house. As she has no income of her own, the petitioner filed an application under Section 125 of the Code of Criminal Procedure seeking maintenance allowance from the opposite party in the Court of learned A.C.J.M. at Bolpur, Birbhum and the application has been registered as Misc. Case No.68 of 2021. The opposite party is contesting the maintenance case.

All of a sudden, the petitioner after receiving summons of a matrimonial suit came to learn that the opposite party filed a matrimonial suit being No. 297 of 2021 in the Court of the learned District Judge, Bankura under Section 13 of the Hindu Marriage Act seeking dissolution of their marriage.

The distance between the place where the petitioner now resides and the court of the learned District Judge, Bankura is nearly 100 kms. Both parents of the petitioner are aged and ailing and they will not be in a position to accompany the petitioner to go to Bankura Court to attend matrimonial proceeding. It will also be hardship for her to travel 100 kms. alone to attend matrimonial proceeding before the Court of learned District Judge, Bankura. The opposite party has already entered appearance before the Court of the learned A.C.J.M. Bolpur to contest the maintenance case brought by the petitioner. Under such circumstances, the petitioner prays for transfer of the aforesaid matrimonial suit from the Court of the learned District Judge, Bankura to the Court of the learned Additional District Judge, Bolpur, Birbhum.

In the absence of the opposite party despite service of notice upon him, the facts as narrated in the application remain uncontroverted.

Having considered all the attending circumstances as disclosed in the application and upon hearing the learned Counsel appearing for the petitioner, I feel that it will be wise if the aforesaid matrimonial suit is withdrawn and transferred to the Court of the learned Additional District Judge, Bolpur, Birbhum.

Accordingly, the application is allowed.

Let the matrimonial suit being No.297 of 2021 pending in the Court of the learned District Judge, Bankura be withdrawn and the suit be transferred to the Court of the learned Additional District Judge, Bolpur, Birbhum for disposal.

The learned District Judge, Bankura is requested to transmit the case record of the matrimonial suit forthwith on receipt of copy of this order.

The transferee Court is requested to dispose of the matrimonial suit as expeditiously as possible.

With the aforesaid direction application under Section 24 of the Code of Civil Procedure is disposed of.

There will, however, be no order as to costs.

Let a copy of this order be communicated to both the Courts below for information and compliance.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis upon compliance of all formalities.

(Rabindranath Samanta, J.)

