

29-06-2022
Item no.17
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO. No.613 of 2022
Bindya Dom
-vs-
Lalan Dom

Mr. Soumik Ganguli
Ms. Chandana Chakraborty ...for the petitioner

Leave is granted to learned counsel for the petitioner to correct the cause title.

Affidavit of service filed be taken on record. Despite service, none represents the opposite party.

The petitioner by way of 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, FTC-II, Asansol, Paschim Bardhaman to the court of learned District Judge, Bankura.

To put it precisely, it is the case of the petitioner that she was married to the opposite party on March 13, 2001 according to Hindu rites and customs, and their marriage was duly consummated; but no child was born out of their wedlock. After some time of her marriage, the opposite party and his family members inflicted torture upon her by various ways. The petitioner then, on the allegation of torture, lodged an FIR under section 498A IPC. Besides, she brought a maintenance case under section 125 CrPC against the opposite party.

However, on the assurance of the opposite party that he would lead a happy marital life with her, the petitioner

withdrew the maintenance case and she took all steps by which the opposite party was acquitted of the charge under section 498A IPC. But, after some time all the assurances given by the opposite party turned lies when she was again subjected to cruelty. Under such circumstances, she was to leave her matrimonial home and took shelter at her parental home at Bankura. In such conspectus of circumstances, she filed another application under section 125 CrPC seeking maintenance allowance.

The petitioner came to know that the opposite party filed a matrimonial suit being No.119 of 2021 against her and the suit is pending in the court of learned Additional District Judge, FTC-II, Asansol, Paschim Medinipur.

Learned counsel appearing for the petitioner submits that it will be difficult for the petitioner to appear before the concerned court at Asansol to attend the matrimonial suit by travelling a long distance between Asansol and Bankura. Learned counsel points out that inconvenience of the wife should be taken as a prime consideration while disposing of the section 24 CPC application.

Since the opposite party has chosen not to contest the revisional application, it stands that the facts and circumstances as narrated in the revisional application supported by affidavit remain uncontroverted.

Having heard learned counsel appearing for the petitioner and on consideration of the difficulties which the petitioner will face to attend the court at Asansol, I feel that it would be wise to withdraw the aforesaid matrimonial suit from the court of Asansol and to transfer to the concerned court at Bankura for disposal.

In view of the above, the revisional application is allowed.

Let the matrimonial suit being No.119 of 2021 be withdrawn from the court of learned Additional District Judge, FTC-II, Asansol, Paschim Medinipur and the suit be transferred to the court of learned District Judge, Bankura for disposal.

Learned District Judge, Bankura is directed either to dispose of the matrimonial suit himself/herself or to transfer it to any of the courts of learned Additional District Judge, Bankura for disposal.

Learned Additional District Judge, FTC-II, Asansol is directed to transmit the case record of the aforesaid matrimonial suit to the transferee court immediately after receipt of a copy of this order.

The department is directed to communicate a copy of this order to both the learned courts below forthwith.

CO No.613 of 2022 is thus disposed of. No order as to costs.

[Rabindranath Samanta, J]

