

27.04.2022
SL No. 11
Court No. 21
Sk & ali

C.O. No. 635 of 2022

Sujata Mondal (Khan)

Vs

Sri Saumitra Khan

Mr. Abhisekh Haldar

Mr. Arkaprava Sen

.....For the Petitioner

Mr. Aniruddha Chatterjee

Ms. Koel Mukherjee

Mr. Anurag Sardar

Mr. M. Murshed

...For the opposite party

The petitioner files supplementary affidavit along with annexures.

The opposite party declined to file any affidavit-in-opposition but at the same time submits that the opposite party does not admit the content of supplementary affidavit filed by the petitioner.

Be that as it may, the application under Section 24 CPC filed by the petitioner/wife is taken up for hearing.

The petitioner/wife has filed the present application under Section 24 CPC praying for transfer of divorce suit being Matrimonial Suit No. 12 of 2022 filed by the husband/ opposite party from the court of learned District Judge at Bankura to any other court in Kolkata having jurisdiction to try and dispose of the case.

She has alleged that the opposite party is a sitting M.P. from Bishnupur Constituency at Bankura. That he is an influential person who could even influence the justice delivery system. That he uses his political and personal influence and resorts to fraud practices for his own benefits.

It has also been contended by the learned Counsel for the petitioner on receiving summons of notice of the matrimonial suit went to Bankura Court along with a lawyer in the month of February, 2022, but she was restrained and threatened by the men of opposite party. That she fears safety of her life, if she has to attend Bankura Court and she also expresses her apprehension that justice would be denied if the case is allowed to proceed in Bankura Court.

Learned Advocate appearing for the petitioner further draws attention of the Court to the two summons issued by the Additional District Judge Re-designated Court, Bankura where Matrimonial Suit No. 12 of 2022 is pending. Both the summons appeared to be dated 13.1.2022. One of the summons shows date of appearance before the court on 28th March, 2022 and another summon shows date of appearance to be on 3rd March, 2022. Thereby the learned lawyer for the petitioner submits that the issuance of summons of appearance on the same dates showing two different dates of the appearance,

prima facie, shows the influential power of the opposite party.

He further submits that the petitioner is a School Teacher and at present she is posted at Shyambazar A.V. School, 88, Shyambazar Street Kolkata-5 and she is residing at MB 122, Udayan Pally, Mahish Bathan, Salt Lake Sector-V, P.S.-Bidhannagar as a paying guest. That it would not be possible on her part to attend the court at Bankura on each and every date of hearing being absence from her duty.

On the other hand, the learned lawyer for the opposite party submits that the transfer application need to be rejected only on the ground that aspersion being brought against the court where the matrimonial suit is pending. There is nothing to prove that subsequent summons showing date of the appearance on 3rd March, 2022 was issued at the instance of the opposite party. He has further submitted that primarily the parties are resident of District of Bankura and the petitioner and the opposite party last resided in Delhi.

That the opposite party is two times M.P. and once was a MLA. The petitioner belongs to ruling party and she contested recent MLA election from Arambagh Constituency and which she lost. For election campaign she frequently visited Arambagh

and at that time she had no problem regarding her absence from duty or about frequent journeys she undertook from Kolkata to Arambagh. Thus, he prays for rejection of the application under Section 24 CPC.

Apparently, both the parties are ordinary residents of Bankura, but at present the petitioner posted at Shyambazar A.V. School, 88, Shyambazar Street, Kolkata-5 and she is residing in paying guest at Salt Lake, Sector-V.

She has also expressed her insecurity in attending the court at Bankura on being threatened and restrained by the henchmen of the opposite party the sitting MP of Bharatiya Janata Party from Bishnupur, Bankura.

The issuance of two summonses on the same date but showing two different dates of appearance also justifies the petitioner reasonable apprehension that she would not get any justice, if the MAT Suit is allowed to proceed in Bankura Court.

Taking into consideration, the above facts this Court is of the view that it would be just and proper to withdraw the Mat Suit 12 of 2022 from the Court of Additional District Judge Re-designated Court, Bankura and transfer the same to the Court of the Additional District & Sessions Judge, Fast Track, 1st Court, Sealdah for disposal.

The learned Additional District Judge Re-designated Court, Bankura shall transfer the records of Matrimonial Suit No. 12 of 2022 to the Court of Additional District & Sessions Judge, Fast Track, 1st Court, Sealdah within a period of 30 days from the date of communication of this order.

The parties shall appear before the learned Additional District & Sessions Judge, Fast Track, 1st Court, Sealdah on 21.05.2022 irrespective of transfer of the records of the said matrimonial suit but only on the basis of server copy of this order.

The learned Court of Additional District Judge Re-designated Court, Bankura shall act on such communication.

The transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached.

The transferee Court is further requested to expedite disposal of the said matrimonial suit in accordance with law.

However, parties are at liberty to get the matter referred for mediation for re-conciliation.

Accordingly, **C.O.635 of 2022** is disposed of. Connected applications, if any, stand disposed of.

The interim order, if any stands discharged.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

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

(Kesang Doma Bhutia, J.)