

06.01.2022
Item No.3
Ct. No.7
CHC

**C.O.510 of 2021
(Via Video Conference)**

Smt. Saheli Dey (Samanta)
Vs.
Subir Samanta

Mr. Abhimanyu Banerjee
...for the petitioner

Mr. Jayanta Narayan Chatterjee
...for the opposite party

This is an application under Section 24 of the C.P.C. seeking transfer of Matrimonial Suit from the court of learned District Judge, at Tamruk, Purba Medinipur to the court of learned Additional District Judge, Jalpaiguri.

As regards the grounds set out in the transfer application; hardship/harassment, financial constraints, multiplicity of litigations and the distance problem are also focused.

At the very threshold, Mr. Jayanta Narayan Chatterjee, learned advocate appearing for the opposite party/husband in all his fairness submits for transferring the case to a neutral place within North Bengal Districts, and innocuously, Mr.

Chatterjee has proposed for transferring the case to Cooch Behar District.

Mr. Abhimanyu Banerjee, learned advocate appearing for the petitioner submits that there are two other criminal litigations, one under Section 125 Cr.P.C. and another under Section 498A I.P.C. and allied sections against her husband, which are presently pending at Alipurduar Court.

As regards proposal mooted by Mr. Chatterjee, Mr. Banerjee appearing for the petitioner concedes to such innocuous proposal submitting that so far as the harassment and hardship is concerned, the same may be reduced to a considerable degree, if the case is transferred to Cooch Behar district.

In view of such innocuous proposals, as advanced by the Mr. Jayanta Narayan Chatterjee, the Court finds no wrong in accepting such proposal, because the location, as proposed by Mr. Chatterjee and also conceded by the learned advocate for the petitioner appears to be a neutral place having suitable connectivity to reach over there.

With this discussion and observation, the transfer application is, thus, disposed of directing learned District Judge at Tamruk, Purba Medinipur, to transfer Matrimonial Suit No.513 of 2019, to the court of learned District Judge, Cooch Behar, within

four (04) weeks from the date of communication of this order.

Both the parties are directed to ensure their respective appearance before the transferee court on 22nd February, 2022.

The transferee court upon receipt of the case record, is directed to proceed with the pending Matrimonial Suit providing all opportunities of hearing to either of the parties to this case.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)