

30.06.2022

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C.O. 585 of 2021

Smt. Silpa Giri
Vs.
Sri Fanindra Nath Giri

Mr. Mukteswar Maity
... For the petitioner

Mr. Arghya Chakraborty
... For the opposite party

This revisional application under Section 24 of the Code of Civil Procedure is for transfer of a Matrimonial Suit from the court of the learned Additional District Judge, 5th Court Howrah to the court of the learned Additional District Judge, Contai, Purba Medinipur.

It is stated by the petitioner, Smt. Silpa Giri, that her marriage with the opposite party, Sri Fanindra Nath Giri, was solemnised on 25th August, 2006 according to Hindu rites and customs and their marriage was registered. Their marriage was duly consummated and out of her wedlock with the opposite party she gave birth to a son namely, Olive Giri in the year 2007 and thereafter she gave birth to an another son namely, Abir Giri in the year 2009.

The petitioner states that the opposite party purchased a flat under Howrah Municipal Corporation.

It is stated by the petitioner that under a compelling circumstances, she is now residing at her parental home at Jahalda, Police Station Belda, District Paschim

Medinipur. The elder son of her is a student of Egra Public School at Purba Medinipur and she has to attend the said school as and when the parents are called.

The petitioner came to know that the opposite party filed a Matrimonial Suit being No. 508 of 2020 in the court of the learned District Judge, Howrah and after its transfer the suit is pending in the court of the learned Additional District Judge, 5th Court, Howrah. The petitioner entered appearance in the suit and filed written statement.

But, due to long distance and looking after her children, it will be hardship for the petitioner to appear before the concerned court at Howrah to attend the matrimonial proceeding.

Under the aforesaid circumstances, the petitioner seeks transfer of the Matrimonial Suit along the Misc. Case No.52 of 2020.

The opposite party by filing affidavit-in-opposition denies the averments/allegations as made in the application.

But, I find, the denial to the averments/allegations by the opposite party is evasive denial.

It is not in dispute that the distance between the parental home of the petitioner at Jahalda, Police Station Belda, District Paschim Medinipur and the court at Howrah is nearly 150 kilometers. This fact is not

disputed specifically by the opposite party that the children of the petitioner are staying with her and one child is now studying in Egra Public School at Purba Medinipur.

The inconvenience of the wife should be taken as a prime consideration while disposing of an application under Section 24 of the Code of Civil Procedure.

Having heard the learned Counsel appearing for the parties and considering the balance of convenience and inconvenience of the parties, I feel that it will be wise to withdraw the Matrimonial Suit from the court of the concerned court at Howrah and to transfer the suit to the concerned court at Contai, Purba Medinipur.

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

Accordingly, let the Matrimonial Suit being No.508 of 2020 with Misc. Case No.52 of 2020 be withdrawn from the court of the learned Additional District Judge, 5th Court at Howrah and the suit and Misc. Case case be transferred to the court of the learned Additional District Judge, 1st Court at Contai, Purba Medinipur, for disposal.

The learned Additional District Judge, 5th Court at Howrah, is directed to transmit the case records of the aforesaid case to the learned transferee court, immediately, after receipt of the copy of this order.

The department is directed to communicate a copy

of this order to both the courts below immediately.

Accordingly, the revisional application being C.O. 585 of 2021 stands disposed of.

There shall be no order as to costs.

(Rabindranath Samanta, J.)