

On 13.11.2021 the petitioner was allegedly driven out her from her matrimonial home and since then the petitioner is residing in a rented accommodation at Chinghrighata, Pragati Maidan, Kolkata. The petitioner contended that she is a working lady and the distance between her present place of residence and the court at Serampore is more than 30 kilometres. It is very much inconvenient for her to attend the aforesaid suit for dissolution of marriage which was initiated by the husband/opposite party. Accordingly, she has prayed for aforesaid transfer. She further submits that the opposite party/husband is working in TCS, New Town, Kolkata and as such if the suit is transferred to the court at Alipore, the husband/opposite party will have no inconvenience to attend the court. She further submits that a proceeding under the provision of Protection of Women from Domestic Violence Act has also been initiated by the petitioner which is presently pending before the court of learned Magistrate, at Alipore.

Learned counsel for the opposite party raised objection against aforesaid prayer for transfer contending that the cause title shows that the petitioner's permanent address is at Konnagar and as such she does not have any inconvenience to attend the said proceeding at Serempore from her aforesaid permanent residence. Moreover, she has initiated one proceeding under Section 498A of the Indian Penal Code which is

presently pending before the court of Barrackpore where she would be required to attend.

Having considered the submissions made by the parties and that the petitioner is a working lady and presently residing at Chinghrighata, Pragati Maidan, Kolkata and that the other proceeding is also pending in the court at Alipore and that the opposite party/husband's present place of employment is at New Town, Rajarhat and that in such cases, where the husband/opposite party had initiated suit for dissolution of marriage against the wife/petitioner, the convenience of the wife is of paramount importance and also considering inconvenience caused to a female in travelling to another place for pursuing a matrimonial case is ordinarily much more than the inconvenience caused to husband/opposite party and as such the prayer made by the petitioner is allowed.

Learned District Judge, Hooghly At Chinsurah is hereby directed to withdraw the Matrimonial Suit no. 842 of 2021 presently pending before the learned District Judge, 1st Court, Hooghly at Serampore and to transmit the same to the court of learned District Judge, Alipore, South 24 parganas within a period of three weeks from the date of communication of the order.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the aforesaid suit.

The department is directed to send a copy of the order to the learned District Judge, Hooghly at Chinsurah and learned District Judge, Alipore, South 24 parganas.

Accordingly, C.O. 884 of 2022 is disposed of.

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

(Ajoy Kumar Mukherjee, J.)