

S/L 194  
22.12.2022  
Court No.652  
SD

CO 942 of 2022

Sutapa Patra (Das)  
Vs.  
Saibal Das

*Mr. Sujit Bhunia*  
*Mr. Gourab Ghosh*

*...for the Petitioner.*

Affidavit of service filed by the petitioner in court today be kept with the record.

In spite of service, opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.2555 of 2021 from the Court of learned Additional District Judge, 4<sup>th</sup> Court, North 24 Parganas at Barasat to the Court of learned District Judge, Paschim Medinipur.

The petitioner contended that the petitioner was married with the opposite party according to Hindu rites and customs on 11.5.2018. It is alleged that after the marriage, the petitioner realized that her husband/opposite party is addicted to alcohol and also a man of suspicious character and he maintains illicit relationship.

The petitioner further alleged that whenever she raised protest against such activity, she was subjected to torture both physically and mentally. She further alleged that she was forced by the opposite party and his family

members for causing abortion and finding no other alternative, she returned to her father's house. She further submits that since return to her parental home, the opposite party and his family members are threatening her not to proceed with the criminal proceeding which she has lodged at Kharagpur police station and which is now pending before the learned ACJM, Kharagpur.

The petitioner further submits that for her day to day expenses and to maintain her dignity she filed an application under Section 12 of the Protection of Women from Domestic Violence Act being Misc. Case No.9 of 2022 which is pending before the learned ACJM, Kharagpur. The distance in between the petitioner's present residence and the court at Barasat is about 151 kms. which takes about 5 hours journey and being a lady it is quite impossible for her to travel such a long distance in order to attend the said proceeding without being accompanied by anyone. The petitioner has no other family member to accompany her. In the above backdrop, she has sought for aforesaid transfer.

Having considered the aforesaid facts and circumstances of the case and the submissions made by the petitioner which remains uncontroverted and also considering the distance and that the petitioner is an unemployed lady and that two other proceedings are pending before Kharagpur Court where the opposite party would be required to attend and that in such circumstances where the husband has sought for dissolution of marriage,

the convenience of wife is of paramount importance, I find that this is a fit case where the prayer made by the petitioner is allowed.

In view of the above, learned District Judge, North 24 Parganas, Barasat is hereby directed to withdraw the Matrimonial Suit No.2555 of 2021 from the court of learned Additional District Judge, Barasat and to transmit the same to the Court of learned District Judge, Paschim Medinipur within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up further proceeding of the suit.

Department is directed to serve a copy of this order to the learned District Judge, Barasat as well as the learned District Judge, Paschim Medinipur immediately.

With these observations, C.O. 942 of 2022 is disposed of.

There will be no order as to costs.

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

**(Ajoy Kumar Mukherjee, J.)**