

15.06.2022
Court No.10
Item No.75
Aloke Dutta

C.O 952 of 2022

**Sukla Banerjee
vs.
Gorachand Banerjee**

Mr. Dulal Dey

.... For the petitioner

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of a Matrimonial Suit from the Court of the learned District Judge, Birbhum at Suri to the Court of the learned Additional District Judge, Rampurhat, Birbhum.

It is stated by the petitioner Sukla Banerjee that her marriage with the opposite party Gorachand Banerjee was solemnised on 8th December, 2012, according to the Hindu rites and customs. That marriage was duly consummated and out of their wedlock, a male child, namely, Mriganka Bandopadhyay was born on 10th January, 2015.

It is alleged by the petitioner that because of torture meted out to her, she had to leave her matrimonial home and took shelter at her parental home. Now she resides at her parental home.

The petitioner submits by way of supplementary affidavit that she has filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, in a Court at Rampurhat and this application registered as Misc. Case No.425 of 2016 is pending in the Court of learned Judicial Magistrate, 3rd Court, Rampurhat, Birbhum.

The opposite party has brought a Matrimonial Suit being No.32 of 2022 in the Court of the learned District Judge, Birbhu at Suri against the petitioner seeking dissolution of marriage between them. The petitioner submits that it will be hardship for her and she will face immense difficulties if she has to appear before the Court of the learned District Judge at Suri only to attend the Matrimonial proceedings. Hence, the petitioner seeks transfer of the aforesaid Matrimonial Suit.

In the absence of the opposite party, the facts and circumstances as stated in the application as well as in the supplementary affidavit shall be deemed to have been uncontroverted. What I find, a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005, is pending in a Court of learned Judicial Magistrate at Rampurhat against the opposite party. Besides, some criminal revisions are pending in the Court of the learned Additional Sessions Judge, Rampurhat between the parties. That being the circumstances, the opposite party has to appear before the concerned Courts at Rampurhat to contest the aforesaid proceedings.

Having heard the learned Counsel appearing for the petitioner and considering the facts and circumstances of the case, I feel that it will be wise to withdraw the Matrimonial Suit and transfer the Suit to the learned Court of Additional District Judge, Rampurhat for disposal.

Let the Matrimonial Suit being No.32 of 2022 be withdrawn from the Court of the learned District Judge, Birbhum at Suri and the Suit be transferred to the learned Court of the Additional District Judge, Rampurhat for disposal.

The learned Additional District Judge, Rampurhat may dispose of the Suit by himself or herself or transfer the Suit to any of the Courts of Additional District Judge of Fast Track Court at Rampurhat for disposal.

The learned District Judge, Birbhum, is requested to transmit the case record of the Matrimonial Suit to the transferee Court immediately after receipt of the copy of this order.

Let a copy of this order be communicated to both the learned Courts below immediately.

In view of the above, C.O 952 of 2022 stands disposed of.

No order as to costs.

(Rabindranath Samanta, J.)