

01.04.2022
Ct. 21
D/L 6

C.O. 945 of 2021

Smt. Srabasti Biswas (Ghosh)

-Vs-

Sri. Debashis Biswas

Mrs. Shohini Chakraborty,
Mr. Sanat Kr. Das
Miss. Prajaaini Das

... for the petitioner

Mr. Somnath Ganguli,
Mr. Sukalpa Seal,
Mr. Sabnam Basu,
Mr. Priyamvada Singh,

... for the opposite party

Parties are represented by their respective
Counsels.

It has been submitted that the matter was
earlier referred for mediation but mediation could
not succeed and result was not fruitful. Thus
application under Section 24 of C.P.C. filed by the
wife is taken up for hearing.

Heard learned Counsels for the parties.

By filling the application under Section 24 of
C.P.C. wife has prayed for transfer of Matrimonial
Suit No. 164 of 2020 pending before the learned
Additional District Judge, 2nd Court at Bongaon,
North 24 Parganas to the Court of Additional

District Judge at Chandannagar, in the district of Hooghly where she is presently residing at her parents' house and where their marriage was solemnized.

It has also been contended the matrimonial home of the petitioner is situated at Bongaon in the district of North 24 Parganas, but at present her husband/opposite party, who is a doctor, is posted in North Bengal at Siliguri.

It has been contended by the learned Advocate for the opposite party that the matter may be transferred to Howrah Court or to the Family Court at Bankshall Court as husband has to come all the way from North Bengal to attend the hearing. It would be inconvenient for him to go to Chandannagar either from Howrah Station or Sealdah Station or from Airport or from Esplanade Bus terminal.

On the other hand, learned Counsel for the petitioner contended to attend the Court in Chandannagar or to attend the Court of Howrah or Bankshall Court will be same for the opposite party who is at present posted in North Bengal, Siliguri.

It appears that parties have put much emphasis upon the distance to be covered for their

appearance before the Court where Matrimonial Suit is pending. Normally in Matrimonial Suit the convenience of the wife is to be taken into consideration.

In the present case it has come on record the wife is a house wife at present staying at her parents' house at Chandannagar where the marriage has also taken place. No doubt the opposite party is a permanent resident of Bongaon but at present due to his government job as a doctor is posted in North Bengal in Siliguri.

Therefore, considering the comparative advantage and dis-advantage of the parties this Court is of view it will not make any difference to the husband who has to come all the way from North Bengal to attend the hearing of the case either at Bongaon or Chandannagar or at Howrah. In fact he can avail the trains coming from the North Bengal to Howrah via Chandannagar.

It is a matter of common knowledge train journey between Sealdah to Bongaon is more than two hours and frequency of train service is not regular, whereas there is frequent train service between Howrah and Chandannagar.

Keeping in view such facts the Matrimonial Suit No. 164 of 2020 is transferred from the Court learned Additional District Judge, 2nd Court at Bongaon, North 24 Parganas to the Court of Additional District Judge at Chandannagar in the District of Hooghly.

The learned Additional District Judge, 2nd Court, Bongaon, North 24 Parganas is requested to transfer the record of Matrimonial Suit No. 164 of 2020 within a month from the date of receipt of the communication of this order.

The parties shall appear before the Court of Additional District Judge, Chandannagar, Hooghly on 07.05.2022 irrespective of transfer of the record of the said Matrimonial Suit but only on the basis of the server copy of this order.

The transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached.

The transferee Court is further requested to expedite the disposal of the said suit in accordance of the law.

Accordingly, **C.O. 945 of 2021 is allowed.**

Connected application, if any, is disposed of.

Interim order, if any, stands discharged.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(**Kesang Doma Bhutia, J.**)