

06-07-2022
Item no.16
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO. No.992 of 2021
Lakshmi Singha Roy @ Rajasree Singha Roy
-vs-
Joydip Singha Roy

Mr. Mrinal Kanti Ghosh ...for the petitioner

Affidavit of service filed in court be taken on record.
Despite service, none represents the opposite party.

The petitioner in this revisional application under section 24 of the Code of Civil Procedure, 1908 seeks transfer of a matrimonial suit filed by the opposite party from the court of learned Additional District Judge, 8th Court, Alipore to the court of learned District Judge, Paschim Medinipur.

It is stated by the petitioner that her marriage with the opposite party was solemnized on June 5, 2001 according to Hindu rites and customs. The marriage between them was duly consummated. Out of their wedlock, a female child was born on September 14, 2002 and another female child was born on October 10, 2006.

The petitioner alleges that though the opposite party and herself reside at the same place, the opposite party in order to harass her has filed the matrimonial suit being No.2470 of 2020 in the court of learned District Judge, South 24 Parganas at Alipore and the suit is now pending in the court of learned Additional District Judge, 8th Court at Alipore.

It is submitted on behalf of the petitioner that the distance between her residence and the concerned court at

Alipore is nearly 145 kms. Under such circumstances, it will be hardship for her to appear before the court at Alipore and attend the matrimonial proceeding. Hence the prayer.

It is submitted that the petitioner has two minor children and they are staying with her. The distance between the residence of the petitioner and the court at Alipore is nearly 145 kms. Inconvenience of wife should be treated as a paramount consideration while disposing of an application under section 24 CPC.

Despite service of notice upon him, the opposite party has chosen not to contest the revisional application. That being so, the averments in the application supported by affidavit will be deemed to have been uncontroverted.

Having heard learned counsel for the petitioner and considering the facts and circumstances as narrated in the section 24 CPC application, I feel that it would be wise to withdraw the aforesaid matrimonial suit from the court of learned Additional District Judge, 8th Court at Alipore and transfer the suit to the court of learned District Judge, Paschim Medinipur.

In view of the above, the revisional application is allowed by the following order.

Let the matrimonial suit being No.2470 of 2020 be withdrawn from the court of learned Additional District Judge, 8th Court, Alipore, South 24 Parganas and the suit be transferred to learned District Judge, Paschim Medinipur at Midnapore for disposal.

The learned District Judge, Paschim Medinipur may either dispose of the aforesaid suit himself/herself or transfer it to any of the courts of Additional District Judge at Midnapore for disposal.

Learned Additional District Judge, 8th Court, Alipore is directed to transmit the case record of the said matrimonial suit to the transferee court immediately after receipt of a copy of this order.

The department is directed to communicate this order to both learned courts below forthwith.

CO No.992 of 2021 is thus disposed of. No order as to costs.

[Rabindranath Samanta, J]