

S/L. 92.
July 28, 2022.
MNS.

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C. O. No. 1267 of 2022

Smt. Sujata Bhattacharya nee Sarogi
Vs.
Satyajit Bhattacharya

Mr. M. Chatterjee,
Mr. S. Bhattacharjee,
Mr. Debapriya Majumder

... for the petitioner.

Affidavit-of-service filed by the petitioner
be kept on record.

Despite service of notice to him, there is
no representation on behalf of the opposite party.

This is revisional application under Section
24 of the Code of Civil Procedure has been filed
seeking transfer of a matrimonial suit from the
Court of the learned Additional District Judge, 2nd
Court, Barrackpore to the Court of the learned
District Judge, Howrah.

The petitioner states that she was married
to the opposite party on April 22, 2015. The
marriage between them was duly consummated
and out of her wedlock she gave birth to a female
child, who is now aged about two years. The
petitioner complains that because of the torture
inflicted upon her, she had to leave her

matrimonial home and started residing at her parental home at 30/1/1/1, Danesh Sheikh Lane at Howrah.

On the allegations of torture on her, the petitioner lodged a First Information Report at A.J.C. Bose B. Garden Police Station and the FIR was registered as A.J.C.Bose B. Garden Police Station Case No. 11 of 2022 dated January 19, 2022 under Sections 498A/406 of the Indian Penal Code and under Sections 3/ 4 of the Dowry Prohibition Act.

Besides, she has brought a proceeding under Section 12 read with Section 23 of the Protection of Women from Domestic Violence Act in the Court of the learned Chief Judicial Magistrate at Howrah. The criminal case launched by her and the proceeding under the Protection of Women from Domestic Violence Act are pending in the Court of the learned CJM at Howrah.

The petitioner, after getting summons of a matrimonial suit came to know that the opposite party brought a Matrimonial Suit being No. 275 of 2022 against her seeking dissolution of marriage and the matrimonial suit is now pending in the

Court of the learned Additional District Judge, 2nd Court, Barrackpore.

The child of the petitioner is too minor and her mother is an aged lady. Under such circumstances, it will be hardship for her to appear before the Court of the learned Additional District Judge, 2nd Court at Barrackpore to attend the matrimonial proceeding. Hence, the prayer.

Learned lawyer appearing for the petitioner submits that one criminal case launched by the petitioner and one proceeding under the Protection of Women from Domestic Violence Act are pending in the court of the learned CJM at Howrah. The child of the petitioner is aged about two years and the father of the petitioner is now dead. The mother of the petitioner is an aged lady. Under such circumstances, it will be hardship for the petitioner to appear before the Court at Barrackpore to participate in the matrimonial proceeding.

Since the opposite party has chosen not to contest the revisional application, it will be presumed that the averments/allegations as made by the petitioner in the revisional application remain uncontroverted.

Having heard learned lawyer appearing for the petitioner and considering the facts and circumstances, which demonstrate the hardship of the petitioner to appear before the Court at Barrackpore, I am of the view that the revisional application should be allowed.

Accordingly, the revisional application is allowed.

Let the matrimonial suit, being Matrimonial Suit No. 275 of 2022 be withdrawn from the Court of the learned Additional District Judge, 2nd Court, Barrackpore and the suit be transferred to the Court of the learned District Judge, Howrah for disposal.

The learned District Judge, Howrah may dispose of the matrimonial suit either himself or herself or transfer the suit to any of the Courts of learned Additional District Judge at Howrah for disposal.

The learned Additional District Judge, 2nd Court, Barrackpore is directed to transmit the case record of the matrimonial suit to the transferee court immediately after receipt of a copy of this order. Let a copy of this order be communicated to both the courts below immediately.

With the aforesaid direction, the revisional application, being C. O. No. 1267 of 2022 stands disposed of.

However, the petitioner is at liberty to act on the web generated copy of the order.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rabindranath Samanta, J.)