

Ct. 29.6
No. 2022
14

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akb

C.O. 1494 of 2022

Smt. Karuna Mondal

-Versus-

Sri Panchanan Das

Mr. Tanmay Mukherjee

Mr. K. Raihan Ahmed

Mr. Souvik Das

...For the Petitioner

Affidavit-of-service on behalf of the petitioner in Court today be kept on record.

It appears from the affidavit-of-service that notice has duly been served upon the opposite party but there is no representation on behalf of the opposite party.

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, Purba Medinipur at Tamluk to the Court of the learned District Judge, Howrah at Howrah.

The petitioner, Smt. Karuna Mondal states that her marriage with the opposite party, Panchanan Das was solemnized on November 23, 2004 under the Special Marriage Act. She complains that soon after her marriage she was subjected to cruelty by the opposite party. The petitioner alleges that she has come to learn that the opposite party has contracted a second marriage with one woman. Under such circumstances, the petitioner left her matrimonial home and now she has been residing at her parental home.

After getting summons of a matrimonial suit, the petitioner came to know that the opposite party filed a Matrimonial Suit, being No. 62 of 2021 in the Court of the learned District Judge, Purba Medinipur seeking dissolution of marriage between them.

The petitioner is a 'school teacher' and she joined her service November 04, 1997. She is now an assistant teacher of Work Education in a School named Tarasundari Balika Vidyabhavan at Kadamtala, District – Howrah.

The distance between her paternal home and the Court of the learned District Judge at Tamluk is nearly 80 kms. The mother of the petitioner is aged about 86 years and she has been suffering from various ailments. Her father is now dead.

It will be hardship for her to travel such a long distance hampering her official duties as an assistant teacher to attend the matrimonial proceeding before the Court at Tamluk. Hence, the prayer.

Since, the opposite party has chosen not to contest the revisional application, it stands that the facts and circumstances as depicted in the application remain uncontroverted.

Having heard the learned Counsel appearing for the petitioner and on consideration of the circumstances as narrated in the application I think that the petitioner has been able to establish a case that it will be hardship for her to go to the Court at Tamluk to attend the matrimonial proceeding.

In view of the above, the revisional application is allowed.

Let the Matrimonial Suit, being No. 62 of 2021 be withdrawn from the Court of the learned District Judge at Purba Medinipur, Tamluk and the suit be transferred to the Court of the learned District Judge, Howrah at Howrah for

disposal.

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

The learned District Judge, Purba Medinipur at Tamluk is directed to transmit the case record of the matrimonial suit to the transferee Court if the said suit is pending in his/her Court or instruct the concerned Court to transmit the case record to the transferee Court for disposal immediately after receipt of a copy of the order.

With the aforesaid direction, C.O. 1494 of 2022 stands disposed of.

There will, however, be no order as to costs.

Let a copy of this order be communicated to both the Courts below for information and compliance.

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

(Rabindranath Samanta, J.)