

11.01.2022
Item No.10
Ct. No.7
CHC
(disposed of)

**C.O.1399 of 2021
(Via Video Conference)**

**Sarada Banerjee (Chakraborty)
Vs.
Sri Koushik Chakraborty**

Mr. Pratip Kumar Chatterjee
...for the petitioner

Mr. Anirban Pramanick
...for the opposite party

This is a transfer application seeking transfer of Matrimonial Suit No.783 of 2021, from the court of learned Additional District and Sessions Judge, 8th Court at Alipore, South 24 Parganas to the court of learned Additional District and Sessions Judge, Kandi, Murshidabad.

Mr. Pratip Kumar Chatterjee, learned advocate appearing for the petitioner/wife has filed this transfer application taking grounds of hardship, harassment, long distance to be covered and the financial constraints.

It is submitted by Mr. Chatterjee that after being deserted by the husband, petitioner has been staying in her parental house at Sahora, within remote village

of District – Murshidabad in a most neglected condition. She has no income of her own to maintain herself. She has a contemplation to file 125 proceeding against her husband seeking maintenance.

Mr. Anirban Pramanick, learned advocate appearing for the opposite party/husband submits that husband is now engaged as Medical Representative and he has to maintain his old ailing parents.

It is contended by Mr. Pramanick that in the event of the case being transferred to Kandi Court, husband would be at most disadvantageous stage to participate in the pending matrimonial proceeding.

In all his fairness, Mr. Pramanick proposes for selection of a neutral site, where there can be fair adjudication of the matrimonial dispute pending between the parties.

The comparative advantages, disadvantages and harassment of the parties are of highest significance in this case. While making consideration of the prayer for transfer application the Court must take in view the nature of the service ordinarily performed by the husband, and the existing commitment of the husband towards his family members including his wife.

That being the position, the Court is of the view that a neutral place would be the best option to address the issue involved in this case. Berhampur is located at such a place, where there is suitable connectivity to reach over there, and where the comparative advantages and disadvantages of the parties may be curtailed to a considerable degree.

For the discussion made hereinabove, the transfer application is thus disposed of directing learned Additional District and Sessions Judge, 8th Court, Alipore, South 24 Parganas to transfer the Matrimonial Suit No.783 of 2021 to the court of learned Additional District Judge, 2nd Court, Berhampur, within four (04) weeks from the date of communication of this order.

Both the parties are directed to ensure their respective appearance before the transferee court on 15th March, 2022.

After receipt of the case record, the transferee court is directed to dispose of the pending Matrimonial Suit after affording sufficient opportunities of hearing to either of the parties to this case.

Both the learned advocates for the parties, are, however, in the meantime, requested to impress upon their respective client so that an endeavour should be made to explore the possibility of settlement between

the parties and, I believe that in the meantime, there may be of successful ending of this marital fight between the parties.

With this direction and observation, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)