

S/L 12  
01.9.2022  
Court No.652  
SD

CO 1701 of 2022

Madhushree Kar Hati  
Vs.  
Somnath Hati

*Mr. Rajdip Ray*  
*Mr. Madhusudan Mondal*

*... for the Petitioner.*

*Mr. Sujoy Sarkar*

*... for the Opposite Party.*

This is an application under Section 24 of the Code of Civil Procedure is at the instance of the wife/petitioner seeking transfer of Matrimonial Suit No.32 of 2021 filed by the opposite party/husband and is pending before the Court of learned Additional District Judge at Bolpur, Birbhum to the Court of learned Additional District Judge at Raghunathpur, Purulia.

The petitioner has contended that the marriage of the petitioner herein was solemnized with opposite party herein on 06.8.2018 at the paternal house of the petitioner according to Hindu rites, and customs. The petitioner submits that during her stay at the matrimonial home, she faced several types of torture by the opposite party.

On 19.1.2019 the petitioner was compelled to leave her matrimonial home. The father of the petitioner tried to settle the dispute by different ways but all attempts did not yield any fruitful result and presently petitioner living with her ailing father at her father's house having no source of income of her own.

On the contrary, the opposite party is a businessman at Bolpur town having huge agricultural land and earns at least Rs.1 lakh per month.

The petitioner filed an application under Section 12 of the Protection of Women from Domestic Violence Act being Misc. Case No.20 of 2022 and the said case is pending before the learned ACJM at Raghunathpur, Purulia.

Mr. Rajdip Ray, learned counsel appearing on behalf of the petitioner, submits that due to long distance of about 170 kms. from Raghunathpur to Bolpur, she is not in a position to appear before the court of learned ACJM, Bolpur and to return on the same day after travelling about 340 kms. and as such, she wants to transfer the said matrimonial suit from the Court of learned Additional District Judge at Bolpur to the court of learned Additional District Judge at Raghunathpur, Purulia which is only 1 km. away from her house.

Mr. Ray further submits that the present petitioner being helpless unemployed lady, balance of convenience and inconvenience leans in her favour and as such, invoking power under Section 24 of the Code of Civil Procedure, the said matrimonial suit may be transferred accordingly.

Mr. Sujoy Sarkar, learned advocate appearing on behalf of the opposite party, submits that it is true that the distance between Raghunathpur and Bolpur Court is about 170 kms. and it is inconvenient for both the parties to attend either at the court at Bolpur or at the court of Raghunathpur.

Accordingly, Mr. Sarkar prayed for transferring the case before a court where it would be convenient to both the parties to attend the proceeding of the aforesaid matrimonial suit.

Having considered the aforesaid facts and circumstances of the case and also considering the distance involves between the two courts, the learned District Judge, Suri is hereby directed to withdraw the Matrimonial Suit No.32 of 2021 from the file of learned Additional District Judge, Bolpur and to transfer the same in the court of learned District Judge, Asansol, Paschim Burdwan within a period of two weeks from the date of communication of the order.

Let a copy of this order be send to the Court of learned District Judge, Asansol, Paschim Burdwan and also to the court of learned District Judge, Suri.

The transferee court is hereby requested to dispose of the case as expeditiously as possible preferably within a period of one year from the date of receipt of the case records.

With these observations, C.O. 1701 of 2022 is disposed of.

There will be no order as to costs.

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

**(Ajoy Kumar Mukherjee, J.)**