

2.9.2022
17
Ct. no. 652
sb

C.O. 1707 of 2022

Swapna Kumari Routh
Vs.
Anand Kumar Routh

Mr. Mahendra Prasad Gupta
Mr. Chandan Mondal
Mr. Supriya Mahajan ...for the petitioner

Affidavit of service filed by the petitioner, be kept with the record. In spite of service, opposite party remains unrepresented.

This is an application under Section 24 of the Code of Civil Procedure for transfer of the matrimonial suit no. 148 of 2021 pending before the Court of the Learned District Judge, Chinsurah to the court of learned District Judge, Howrah.

The petitioner contended that the marriage between the petitioner and the opposite party was registered on 20.6.2018 and the marriage was duly consummated and after marriage the parties resided at Howrah. After sometime, the disputes between the parties cropped up as the petitioner was subjected to mental and physical torture by the opposite party. The petitioner lodged complaint in the local police station and first information report was registered and the said criminal proceeding is now pending before the court at Howrah where the opposite party has been implicated as accused. Subsequently, the petitioner also filed an

application before the Judicial Magistrate, Howrah under Section 12 of the protection of women from Domestic Violence Act and the opposite party herein is also contesting the said proceeding.

After initiation of the aforesaid proceedings by the petitioner, the opposite party all on a sudden on or about 20th December, 2021 files present Matrimonial Suit no. 148 of 2021 seeking decree for restitution of conjugal right in the court of learned District Judge, Hooghly at Chinsurah. According to the petitioner, the said proceeding has been filed before the court of learned District Judge, Hooghly at Chinsurah, only to take advantage, so as to absolve himself from the criminal proceeding.

It is submitted by the petitioner that the distance between the residence of the petitioner and Hooghly court at Chinsurah is about 40 kilometres. The petitioner is being an unemployed lady and because of financial difficulties, the wife/petitioner is unable to attend the court at Chinsurah.

Having considered the facts and circumstances of the case and also considering the distance between the two places and that the petitioner is an unemployed lady as submitted by the petitioner and that the other two proceedings initiated by the petitioner are also pending before the court at Howrah and as submitted there the opposite party has also entered appearance and

contesting, for the interest of justice and equity and considering convenience of wife, which is paramount importance, the prayer made by the petitioner is allowed.

In view of above, the learned District Judge, Hooghly at Chinsurah is hereby directed to withdraw the matrimonial suit no. 148 of 2021 pending before his court and to send the same to the court of learned District Judge, Howrah for disposal within a period of two weeks from the date of communication of this order. Learned District Judge, Howrah in turn after receipt of record will issue fresh notice upon both the parties intimating the next date before further continuance of the proceeding of the said suit.

Office is directed to communicate a copy of this order to both the learned District Judge, Howrah and learned District Judge, Hooghly forthwith.

Accordingly, C.O. 1707 of 2022 is disposed of.

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

(Ajoy Kumar Mukherjee, J.)