

6.9.2022
52
Ct. no. 652
sb

C.O. 1721 of 2022

Monalisa Mukherjee (Bhattacharjee)
Vs.
Bappan Kumar Bhattacharjee

Ms. Madhumita Datta ...for the petitioner

Affidavit of service filed by the petitioner, be kept with the record.

In spite of service, the opposite party is not represented.

The petitioner has filed this application under Section 24 of the Civil Procedure Code praying for transfer of the Matrimonial suit being no. 483 of 2021 pending before the court of learned Additional District Judge, 1st Court, Purba Burdwan to the court of learned District Judge, Alipore, 24 Parganas (South).

The petitioner contended that the petitioner is the married wife of the opposite party and after marriage the parties started living at their matrimonial home and were blessed with one female child who was born on 4.3.2015.

The petitioner was regularly subjected to torture by the opposite party and her in laws and in or around July 2015, when the petitioner was pregnant, the opposite party and his family members subjected her to severe assault and mental torture and for which she returned to her paternal home and presently resides at her paternal

home at Baharu, Joynagar, South 24 parganas along with her child who is now aged about 7 years. It is further submitted that the petitioner is an unemployed lady and the petitioner has to take a long journey of 160 kilometres from the remote village of Baharu to reach Burdwan and to return from Burdwan to Baharu. Thus for each and every date of hearing, the petitioner has to travel 320 kilometres. Furthermore the parents of the petitioner are suffering from various ailments and for which there is no one in the family of the petitioner to accompany her. Accordingly the petitioner has prayed for transferring the aforesaid suit no. 483 of 2021 pending before the court of learned Additional District Judge, 1st Court, Purba Burdwan to the court of learned District Judge, Alipore, 24 Parganas (South).

Having considered the facts and circumstances of the case and that the petitioner is custodian of 7 years old child born due to said wedlock and that she has no other family members to accompany her and her child and that the distance involved in between the two places is about 160 kilometres and in such cases, where suit for dissolution of marriage is filed by the opposite party/husband, the convenience of the wife/petitioner is of paramount consideration, the prayer made by the petitioner deserves to be allowed.

In view of above, the prayer made by the petitioner is allowed. Learned District Judge, purba Burdwan is

hereby directed to withdraw the matrimonial suit no. 483 of 2021 from the file of learned Additional District Judge, 1st Court, Purba Burdwan and to transmit the same to the learned court of District Judge, Alipore, South 24 parganas within a period of three weeks from the date of the communication of the order.

Learned District Judge, Alipore, South 24 parganas will serve fresh notice upon both the parties before taking up further proceeding of the said suit. Let a copy of this order be send to the learned District Judge, Alipore, South 24 parganas and also learned District Judge, Purba Burdwan.

Accordingly, C.O. 1721 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.)