

2.9.2022
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Ct. no. 652
sb

C.O. 1780 of 2022

Smt. Denisha Bhakat (Shaw)
Vs.
Sri Kaushik Shaw

Mr. Uday Sankar Chattopadhyay
Mr. Pronoy Basak
Ms. Trisha Rakshit ...for the petitioner

Mr. D. Sur]
Mr. Himesh Ch. Paul for the opposite party

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

This application under Section 24 of the Code of Civil Procedure has been initiated by petitioner/wife with a prayer for transfer the matrimonial suit no. 374 of 2021 pending before the Court of the Learned Additional District Judge at Chandannagar to the court of learned District Judge, Burdwan.

The petitioner contended that the petitioner is the legally married wife of the opposite party and the marriage between the petitioner and the opposite party was solemnised on 7.3.2018 as per Hindu Rites and Customs at the parental house of the petitioner and the said marriage was duly consummated. They are also blessed with a male child who was born on 9.10.2019. During her stay at her matrimonial home, the petitioner was subjected to mental and physical torture by her husband and her in laws and ultimately she was driven

out from her matrimonial house when she was pregnant on 30.6.2019. Thereafter the petitioner lodged first information report at Burdwan police station which is pending before the court of Burdwan and she has also filed an application under Section 12 of the protection of women from Domestic violence Act, before the court of Magistrate at Burdwan.

Now it appears that the petitioner has filed the present case under Section 9 of the Hindu Marriage Act, 1955 being MAT no. 374 of 2021 which is now pending before the learned Additional District & Sessions Judge, Chandannagar.

The petitioner submits that it is very tuff to travel all the way from Burdwan to Chandannagar court as she is a housewife having no independent earning. The distance between Burdwan and Chandannagar is near about 67 kilometres and she has no one to accompany her as her father is physical unwell. Accordingly she has prayed for the aforesaid transfer.

Learned advocate for the opposite party submits that the parents of the opposite party are also suffering from different ailments and as such it is equally difficult for him to attend the Burdwan court keeping his ailing parents alone at home. However, the opposite party concedes that the petitioner has initiated two proceedings against him which are pending before the

Burdwan Court and he had to attend those cases in the Burdwan court.

Having considered the facts and circumstances of the case and that the distance between the two places is more than 76 kilometres and that the petitioner is an unemployed housewife and custodian of minor child and also considering the fact that other two proceedings initiated by the petitioner is also pending before the Burdwan court and the opposite party would be required to attend and taking into consideration the convenience of wife which is of paramount consideration in such cases and that in socio-economic situation prevailing in country, the inconvenience caused to a female in travelling to another place for pursuing her matrimonial case is more than the inconvenience caused to the husband, I am inclined to allow the prayer made by the petitioner.

In view of above, the learned District Judge, Hooghly is hereby directed to withdraw and send the record of matrimonial suit no. 374 of 2021 to the court of learned District Judge, Purba Burdwan who in turn after receipts of case record will issue fresh notice upon both the parties intimating next day before continuance of further proceeding of the said suit. The process of aforesaid transfer will be concluded within a period of three weeks from the date of communication of this order.

Office is directed to send a copy to this order to learned Additional District Judge, Chandannagar and learned District Judge, Burdwan.

Accordingly, C.O. 1780 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.)