

1.9.2022
19
Ct. no. 652
sb

C.O. 1788 of 2022

Smt. Sonali Nath
Vs.
Sri Rajesh Nath

Mr. Soumik Ganguly
Mr. Sourat Nandyfor the Peittioner

Affidavit of service so filed by the learned advocate for the petitioner, be kept with the record. In spite of service, opposite party is not represented.

This application under Section 24 of the Code of Civil Procedure for transferring the matrimonial suit no. 319 of 2022 pending before the Court of the Learned Additional District Judge, 2nd Court, at Serampore, Hooghly to the court of the learned District Judge, Bankura.

The petitioner contended that the opposite party filed a suit under Section 13 of the Hindu Marriage Act against the petitioner herein praying for a decree of divorce before the Learned Additional District Judge, 2nd Court, at Serampore, Hooghly. Be it mentioned that the marriage between the petitioner and the opposite party took place on 25.11.2012 according to the Hindu Rites and Customs. As the matrimonial life was not peaceful, the petitioner compelled to leave her matrimonial home with 9 years child on 19.7.2014. The petitioner is

residing in remote village and the petitioner is facing much difficulty in attending the case before the Learned Additional District Judge, 2nd Court, at Serampore, Hooghly. As no point of time the husband took any initiative for taking her back to the matrimonial home and also did not take care of her child. The petitioner filed an application on 19.2.2020 under Section 125 of the Code of Civil Procedure and also filed an application under Section 156 (3) of the Criminal Procedure Code which was subsequently registered as first information report and criminal proceedings in connection with said first information report is pending before the learned Judicial Magistrate, 4th court, Bankura. Further submission is that road distance between Gograh, Bankura and Serampore, Hooghly is about 190 kilometres and there is no direct bus route or any train service between Gograh, Bankura and Serampore, Hooghly. She is to travel from Gograh by a bus to reach Saltora, from Saltora she has to board by bus for Raniganj and from Raniganj she has to board by train for Burdwan and from Burdwan she has to board by train for Serampore and the total travelling time is near about seven hours. Moreover, the male child of the petitioner is aged about nine years and she had to travel along with her said child, while attending the court. The petitioner is not in the habit of such extensive travel and there is none to accompany her to attend the court at

Serampore. The petitioner has also no accommodation at Serampore. In such circumstances, the petitioner has prayed for transferring the said suit pending before the learned Judicial Magistrate, 4th Court, Bankura being MAT suit no. 319 of 2022 to the Court of learned District Judge at Bankura at the earliest.

Be it mentioned that the proceeding initiated by the petitioner herein under Section 125 of the Code of Criminal Procedure also the criminal proceeding initiated by the petitioner under Section 498A/323/406/34 of the Indian penal Code is pending before the Chief Judicial Magistrate, Bankura and the opposite party is attending in both the cases at Bankura court.

Having considered the fact that the petitioner is an unemployed lady, the distance involved between the two places is about 191 kilometres and that there is no direct bus route or train route in between the places, I find that this is a fit case where prayer made by the petitioner is required to be allowed as also balance of convenience and inconvenience leans in favour of the petitioner.

In view of above, learned District Judge, Hooghly at Chinsurah is directed to withdraw the matrimonial suit no. 319 of 2022 from the court of Learned Additional District Judge, 2nd Court, Serampore and to transfer the same to the court of learned District Judge, Bankura

within a period of two weeks from the date of communication of this order.

Let a copy of this order be send to the Learned District Judge, Bankura and also to the learned District Judge, Chinsurah, Hooghly.

Accordingly, C.O. 1788 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.)