

2.9.2022
21
Ct. no. 652
sb

C.O. 1805 of 2022

Smt. Tista Das Samanta
Vs.
Dr. Subhasis Samanta

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

Mr. Ayan Banerjee
Ms. Trina Sen for the opposite party

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

This is an application under Section 24 of the Code of Civil Procedure for transfer of the matrimonial suit being no. 48 of 2022 pending before the court of Learned Additional District Judge, 4th Court at Howrah to the court of learned District Judge, Burdwan.

It is submitted 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 14.7.2018, according to the Hindu Rites and Customs. Petitioner further alleged that she was subjected to physical and mental torture by her husband and other in laws. She was finally driven out from her matrimonial home in March, 2020. The petitioner further states that she is presently employed as Assistant professor of Hooghly Mohsin College at Chinsurah. She has lodged a complaint on 4.11.2021 at Burdwan

Women Police station. Moreover, she has filed a case under Section 12 of the protection of women from Domestic Violence Act being Misc. Case no. 235 of 2022 which is also pending at present before the learned Chief Judicial Magistrate, Purba Burdwan.

Now it is learnt that the husband/opposite party has filed a suit for divorce in the month of June 2022, which is pending before the court of learned Additional District Judge, 4th Court, Howrah. The opposite party herein is a doctor and his monthly income is about Rs. 15 lakhs. The petitioner further alleged that her father is aged about 78 years and suffering from disease and her mother is also aged one and suffering from different ailments and for which it is very difficult for the petitioner to travel all the way from Burdwan to Howrah court.

She further states that the distance from Burdwan to Howrah court is about 96 kilometres. Accordingly, she prayed as aforesaid two proceedings initiated by her, is presently pending before the Burdwan court, the said suit for dissolution of marriage pending before the court of learned Additional District Judge, 4th Court, Howrah may also be transferred to the court of learned District Judge, Burdwan.

Learned advocate for the opposite party submits that the opposite party is now posted as medical officer and his office is at Girish Park, under Kolkata Municipal

Corporation area and it is equally difficult for him to attend Burdwan Court after travelling a distance of about 100 kilometres. Accordingly, he prayed that the case should not be transferred to Burdwan court which may cause hardship and inconvenience to the opposite party.

Having considered the facts and circumstances of the case, I am of the view that the District Judge's court, Hooghly at Chinsurah situates almost in between the two places. Present petition has been filed by wife/petitioner seeking transfer on the ground that it is inconvenient for her to attend hearing at Howrah court from Burdwan. She is serving in Hooghly Mohisin college situates at Chinsurah and accordingly it would not be inconvenient to either of the parties, if the case is transferred from the court of learned Additional District Judge, 4th Court, Howrah to the court of District Judge, Hooghly at Chinsurah.

In view of above, the learned District Judge, Howrah is hereby directed to withdraw the matrimonial suit being Mat no. 48 of 2022 from the file of learned Additional District Judge, 4th Court, Howrah and to send the same to the court of learned District Judge, Hooghly at Chinsurah for disposal, who in turn will serve fresh notice upon both the parties intimating the next date before taking up further proceeding of the said suit.

The procedure of transfer will be completed within a period of three weeks from the date of communication of this order.

The office is directed to send the copy of this order to the court of the learned District Judge, Howrah and also to the learned District Judge, Hooghly at Chinsurah.

Accordingly, C.O. 1805 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.)