

12.12.2022
193
Ct. no. 652
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C.O. 1823 of 2022

Bharati Mondal
Vs.
Soumen Mondal

Mr. Priyanjit Kundu
Ms. Snigdha Saha ...for the Petitioner

Mr. Sudip Ghosh Chowdhury
Mr. Argha Das
Mr. Abhishek Bose ...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit no. 244 of 2022 presently pending before the court of learned Additional District Judge, Fast Track, 2nd Court, Burdwan to the court of learned District Judge, Nadia.

The petitioner contended that the petitioner was married with the opposite party on 17.10.2016. The petitioner alleged that marriage of the petitioner was dowry oriented and as such since the marriage, she was subjected to physical and mental torture by her husband and other in laws and ultimately she was driven out from her matrimonial home and presently she has taken shelter at her paternal home within P.S. Thanapara, District-Nadia. The petitioner further contended that the distance in between her present place of residence and the court at Burdwan is about 166 kilometres one way. The Petitioner has initiated proceeding seeking

maintenance under Section 125 of the Code of Criminal Procedure and another proceeding under the provision of Domestic Violence Act which are pending in the court of Tehatta, Nadia. The petitioner further submits that she is an unemployed lady and she is not in a position to bear the travelling expenses and there is also none to accompany her in her way to Burdwan court. The petitioner is also custodian of a child who is aged about 4 years and she is facing extreme inconvenience in attending the court at Burdwan to conduct the said proceeding. As such the petitioner has sought for aforesaid transfer.

Opposite party raised objection and contended that the opposite party presently posted at Anantanag, Kashmir being a CRPF personnel and as such it would be inconvenient for him to attend the court at Krishnanagar, Nadia if the prayer for transfer is allowed. Moreover, the petitioner is paying maintenance to the opposite party which statement has been denied by the petitioner. Accordingly, the opposite party prayed for rejection of prayer for transfer.

Having considered the facts and circumstances of the case and that the petitioner is custodian of a child aged about 4 years and that she is an unemployed lady and that the inconvenience cause to a female in travelling to another place for pursuing a matrimonial case in socio-economic situation prevailing in country is

much more than inconvenience that might be caused to husband, the prayer made by the petitioner is allowed.

In view of above, learned District Judge, Purba Burdwan is hereby directed to withdraw the Matrimonial Suit no. 244 of 2022 presently pending before the court of learned Additional District Judge, Fast Track, 2nd Court, Burdwan and to transmit the same to the court of learned District Judge, Krishnanagar, Nadia within a period of three weeks from the date of communication of the order.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the aforesaid suit.

The department is directed to send a copy of the order to the learned District Judge, Krishnanagar, Nadia and learned District Judge, Purba Burdwan.

Accordingly, C.O. 1823 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.)