

S/L 11
26.9.2022
Court No.652
SD

CO 1838 of 2022

Barnali Choudhury Roy
Vs.
Natattam Choudhury

Mr. Siddhartha Sarkar
Mr. Prasad Bhattacharyya

... for the Petitioner.

Ms. Debjani Roy Choudhuri
Ms. Asraf Mandal

... for the Opposite Party.

Affidavit-in-opposition and affidavit-in-reply filed by the parties be kept with the record.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.51 of 2022 from the Court of learned Additional District Judge, Tehatta, Nadia to the Court of learned Additional District Judge, at Bongaon, North 24-Parganas.

The petitioner has contended that the marriage between the petitioner and the opposite party was solemnized according to Hindu rites and customs on 20.10.2020.

The petitioner further submits that the petitioner is a housewife and she sustained physical and mental torture while she was at her matrimonial home and on 15.5.2021 the opposite party asked the petitioner to bring handsome amount from her father and upon refusal, the petitioner was assaulted by the opposite party and his family members and

subsequently, she was driven out from her matrimonial home and thereafter she has sheltered at her paternal house which is under Gaighata Police Station, North 24 Parganas.

The petitioner is passing her days under the charity of her father and on the other hand, the opposite party is a police personnel and is earning more than Rs.60,000/- per month. Despite having huge earning the opposite party has refused to provide maintenance to the petitioner.

In the above scenario, the petitioner has prayed for the aforesaid transfer.

Learned counsel appearing on behalf of the opposite party submits that her client does not have any objection if the prayer for transfer is allowed.

Having considered the aforesaid facts and circumstances of the case and that the petitioner/wife is an unemployed lady and that the distance involves between the two places is about 160 kms. and in such cases where the husband /opposite party has filed the suit for dissolution of marriage, the convenience of the petitioner/wife is of paramount importance and that the opposite party has no objection in the aforesaid prayer, I find that this is a fit case to allow the prayer of the petitioner.

Accordingly, the learned District Judge, Nadia at Krishnagar is hereby directed to withdraw the Matrimonial Suit No.51 of 2022 pending before the learned Additional District Judge, Tehatta, Nadia and to transmit the same to the Court of learned District Judge, Barasat, North 24-

Parganas, who in turn will transmit the same before the Court competent to try the case at Bongaon, North 24 Parganas, within a period of three weeks from the date of communication of the order.

The transferee trial court shall give fresh notice intimating the next date of hearing upon both the parties before taking up further proceeding of the suit.

Department is directed to serve a copy of this order to the learned District Judge, Nadia at Krishnagar as well as the learned District Judge, Barasat, North 24 Parganas.

With these observations, C.O. 1838 of 2022 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)