

2.9.2022
23
Ct. no. 652
sb

C.O. 1868 of 2022

**Tulika Ghosh nee Rudra
Vs.
Subrata Ghosh**

Mr. Snehansu Majumder ...for the petitioner

This is an application under Section 24 of the Civil Procedure Code for transfer of matrimonial suit being MAT no. 11 of 2021 pending before the court of learned District Judge, Barasat North 24 parganas to the court of learned District Judge, Nadia at Krishnagar.

The petitioner states that marriage between the petitioner and the opposite party was solemnized on 3.2.2014 under the Special Marriage Act and after marriage, the petitioner started to reside with the opposite party as his wife but after few days of marriage, the opposite party and his family members started inflicting physical and mental torture upon the petitioner on the ground of poor quality of dowry. Ultimately when she could not satisfy their demand as raised by the opposite party and his family members, she was driven from her matrimonial home on 15.12.2015 and having no other alternative, since then she has taken shelter at her father's house as Kotwali, Krishnanagar. The petitioner further submits that she has already filed an application under Section 125 of the Code of Criminal

Procedure against the opposite party claiming maintenance before learned Chief Judicial Magistrate, Nadia, Krishnanagar, though the opposite party has not yet paid any amount for maintenance to her as ordered by court.

It is unfortunate, when the petitioner was awaiting for the restoration of her matrimonial life, all on a sudden the opposite party has filed the present suit for dissolution of marriage being Mat suit no. 11 of 2021, in the court of learned District Judge, Barasat North 24 parganas

It is submitted in order to reach Barasat from Krishnagar, one has to travel by road the distance of 160 kilometres in both ways and it takes 7 hours and as such it is not possible for the petitioner to travel such a long distance, as the petitioner has no independent income of her own. Accordingly, the petitioner prayed that the matrimonial suit filed by the opposite party, should get transferred from Barasat court to the court of District Judge, Nadia where another proceeding initiated by the petitioner under Section 125 of the Code of Criminal Procedure is pending before the Magistrate Court for disposal.

In spite of service, opposite party remains unrepresented.

Having considered the facts and circumstances of the case and also considering the fact that the petitioner

is an unemployed lady and that in order to attend the court at Barasat she is required to travel to and fro journey for about 160 kilometres and also considering inconvenience caused 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 caused to husband and that in such cases convenience of wife is of paramount consideration and that wife had already started a proceeding under Section 125 of the Code of Criminal Procedure before the court of Magistrate, which the opposite party/husband would be required to attend, I feel that the balance of convenience and inconvenience in the present case leans in favour of the petitioner and accordingly her prayer for transfer as sought for is allowed.

Learned District Judge, Barasat North 24 parganas is hereby directed to withdraw the matrimonial suit being no. 11 of 2021 from his file and to send the same to the court of learned District & Sessions Judge, Nadia at Krishnagar for disposal, who in turn will issue notice upon both the parties intimating the next date of hearing before taking up further continuance of the proceeding in the aforesaid suit. The entire process of transfer shall be completed within a period of three weeks from the date of the communication of this order.

The office is directed to send a copy of this order to the learned District Judge, Barasat North 24 Parganas

and learned District & Sessions Judge, Nadia at Krishnanagar.

Accordingly, C.O. 1868 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.)