

27-06-2022
Item no.20
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO. No.1687 of 2021
Smt. Priyanka Yadav
-vs-
Sri Sanjay Yadav

Mr. Joy Chakraborty
Mr. Sandip Dinda ...for the petitioner

Affidavit of service filed in court be taken on record.
Despite service, there is no representation on behalf of the
opposite party.

This is an application under section 24 of the Code
of Civil Procedure, 1908 seeking transfer of a matrimonial
suit filed by the opposite party-husband from the court of
learned Additional District Judge, Durgapur to the
concerned court at Barrackpore, North 24-Parganas.

It is stated by the petitioner, Smt. Priyanka Yadav,
that her marriage with the opposite party, Sri Sanjay Yadav,
was solemnized on March 2, 2020 according to Hindu rites
and customs. After their marriage, they lived together and
their marriage was duly consummated. But some time after
her marriage, the opposite party-husband subjected her to
cruelty. Under such circumstances, the petitioner had to
leave her matrimonial home and started residing at her
parental home at K/40, S.H. Estate, P.O & P.S. Jagaddal,
North 24-Parganas.

The petitioner came to know that the opposite party
filed a matrimonial suit being No.343 of 2021 in the court of
learned Additional District Judge, 1st Court, Durgapur
against her seeking dissolution of marriage under section
13(1)(ia) of the Hindu Marriage Act, 1955.

It is submitted that the distance between the parental home of the petitioner and the court at Durgapur is nearly 170 kms. There is no member in her parental home, excepting her father who is octogenarian and unable to travel a long distance. Under such circumstances, it will be difficult for her to travel a long distance alone to attend the court at Durgapur to participate in the hearing of the matrimonial suit. Hence this prayer.

As the averments in the section 24 CPC application supported by affidavit indicate, the father of the petitioner is octogenarian and suffering from various ailments. The distance between the petitioner's paternal home and the concerned court at Durgapur is about 170 kms. The inconvenience of the wife should be treated as paramount consideration while disposing of the application under section 24 CPC.

Having heard learned counsel for the petitioner and considering the factual aspects as depicted in the section 24 CPC application, I think that it would be wise to withdraw the aforesaid matrimonial suit from the concerned court at Durgapur and transfer it to the court at Barrackpore.

Accordingly, let the matrimonial suit being No.343 of 2021 be withdrawn from the court of learned Additional District Judge, 1st Court, Durgapur and the suit be transferred to the court of learned Additional District Judge, 1st Court at Barrackpore for disposal.

Learned Additional District Judge, 1st Court, Durgapur is directed to transmit the aforesaid case record to the transferee court, if the suit is pending before his court, or instruct the concerned court to transmit the case record to the transferee court in case the suit has been transferred to any of the courts of learned Additional

District Judge at Durgapur, immediately after receipt of a copy of this order.

Learned Additional District Judge, 1st Court, Barrackpore may dispose of the said suit himself/herself or transfer it to any of the courts of the learned Additional District Judge at Barrackpore for disposal.

The department is directed to communicate a copy of this order to the learned courts below immediately.

With the above, CO No.1687 of 2021 stands disposed of. No order as to costs.

[Rabindranath Samanta, J]