

6.9.2022
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Ct. no. 652
sb

C.O. 1971 of 2022

Sumana Chakraborty
Vs.
Arunava Chakraborty

Ms. Karabi Roy ...for the petitioner

Mr. Sourajit Dasgupta
Mr. Abhiman Rakshit for the opposite party

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

The petitioner has filed this application under Section 24 of the Civil Procedure Code praying for transfer of the Matrimonial suit being no. 1276 of 2021 pending before the court of learned Additional District Judge, 9th Court, Alipore to the court of learned District Judge, Nadia at Krishnanagar.

The petitioner contended that the petitioner was married with the opposite party on 5.2.2015 as per Hindu Rites and Customs but after few days of marriage, the opposite party along with his family members started to inflict mental and physical torture upon her for demand of dowry. On 6.1.2020 the petitioner was assaulted and driven out from her matrimonial home and finding no other alternative, the petitioner had to take shelter at her parent's house at Simultala, Nadia at Krishnanagar. Subsequently, the petitioner filed a

complain before the learned Judicial Magistrate, Krishnanagar which was subsequently treated as first information report and the investigation started and the said case is pending before Chief Judicial Magistrate, Krishnanagar. The petitioner also compelled to file a maintenance proceeding under Section 125 of the Code of Criminal Procedure before the learned Chief Judicial Magistrate, 3rd Court, Nadia at Krishnanagar being MR case no. 101 of 2020 and in that proceeding though order of interim maintenance was passed but the opposite party is not paying maintenance on regular basis.

The petitioner also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in the court of learned Chief Judicial Magistrate, Nadia at Krishnanagar being Misc. case no. 24 of 2022.

It is contended that the opposite party has appeared in those cases and contesting. Subsequently the opposite party filed the present suit for dissolution of marriage before the learned District Judge, Alipore being Mat suit no. 1276 of 2021 with some false allegations. Petitioner further contented that on 2.6.2022 when the petitioner was going to attend the court, some unknown persons threatened her and told her not to attend court proceeding any further and for which she made a general diary at the Alipore police station being no. 93 dated

2.6.2022. Moreover, the petitioner has to travel more than 120 kilometres to reach Alipore from her home which takes more than 4 hours and on every occasion, the petitioner has to pay Rs. 750/- per day which is hardship for her. Accordingly, the petitioner has prayed for transferring the aforesaid matrimonial suit no. 1276 of 2021 pending before the court of learned Additional District Judge, 9th Court, Alipore to the court of learned District Judge, Nadia at Krishnanagar.

Learned counsel for the opposite party denied all the allegations levelled against the opposite party herein by the petitioner. He further submits that the petitioner has already initiated three proceedings against him which are pending before the Krishnanagar court and for which he had to travel Krishnanagar on different dates now if the present case is also transferred in the court of Krishnanagar, that will cause hardship upon the opposite party. Accordingly he prays for rejection of the aforesaid prayer.

Having considered the facts and circumstances of the case and considering the distance involved between the two places and that three proceedings initiated by the petitioner, are pending before the court at Krishnanagar where opposite party/husband would be required to attend and that the petitioner is an unemployed lady and in such cases convenience of wife is paramount importance and that she is apprehending

of not having fair trial due to resistance caused by opposite party, prayer made by the petitioner is allowed.

Learned District Judge, Nadia at Krishnanagar is hereby directed to withdraw the matrimonial suit no. 1276 of 2021 pending before the court of learned Additional District Judge, 9th Court, Alipore and to transmit the same to the court of Learned District Judge, Nadia at Krishnanagar for disposal within a period of three weeks from the date of the communication of the order.

Learned District Judge, Nadia after receipt of the record will serve fresh notice upon both the parties intimating the next date before taking up further proceeding of the said suit.

Considering the facts of the case, in the event the petitioner makes any prayer for dispensation of his personal attendance in the aforesaid matrimonial suit, the learned court concerned will dispose of the said application in accordance with law.

Accordingly, C.O. 1971 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.)