

S/L 55
07.9.2022
Court No.652
SD

CO 2016 of 2022

Smt. Paulomi Panja (Roy)
Vs.
Sourav Roy

Mr. Gautam Banerjee

...for the Petitioner.

Affidavit of service filed by the petitioner in Court today be kept with the record.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Act VIII Case No.28 of 2022 under the Guardian and Wards Act pending before the Court of learned District Judge, Paschim Burdwan at Asansol to the Court of learned Additional District Judge, Serampore, Hooghly.

The petitioner has contended that the marriage between the petitioner and the opposite party was solemnized on 04.6.2015 and they are blessed with a female child who was born on 15.8.2017. Due to mental and physical torture, petitioner was compelled to return at her father's house on 31.3.2021 and since then she along with her daughter is living at her father's house at Serampore.

Petitioner filed a complain under Section 498A/406/506 of the Indian Penal Code before Serempore Women Police Station and she has also started one proceeding under Section 125 of the Code of Criminal Procedure for maintenance for herself and her daughter

before the Court of learned Additional Chief Judicial Magistrate at Serampore being Misc. Case No.211 of 2021. Petitioner also filed a suit for dissolution of marriage in the court of learned 1st Additional District Judge, Serampore being Matrimonial Suit No.404 of 2021. The daughter of the parties is now a school going student and she got admitted in a school at Sheoraphuli, Hooghly.

Petitioner further submits that the aforesaid Act VIII Case No.28 of 2022 praying for custody of the child has been vindictively filed by the opposite party herein with a premeditated mind set to harass the petitioner herein by making her run from pillar to post on the pretext to contest the same at the Court of learned District Judge, Paschim Burdwan at Asansol which is far away from the petitioner's present residence.

Petitioner wants to contest the said case but it is impossible for her to contest the said proceeding after making journey from Sheoraphuli to Asansol with child in the lap, who is aged about five years. As such, the petitioner has prayed for transferring the said case from the court of learned District Judge, Paschim Burdwan at Asansol to the court of learned Additional District Judge, Serampore, Hooghly.

In spite of service, the opposite party is not represented in Court today.

Having considered the aforesaid facts and circumstances of the case and that the petitioner has a five

years child who is in the custody of the petitioner and that other three proceedings are also pending before the Court of Serampore where the opposite party would be required to attend and that the petitioner is an unemployed lady and also considering the distance involved between the two places and that in such cases the convenience of the petitioner/wife is of paramount importance the prayer made by the petitioner is allowed.

Accordingly, the learned District Judge, Paschim Burdwan at Asansol is hereby directed to withdraw the Act VIII Case No.28 of 2022 from the file of the learned District Judge, Paschim Burdwan at Asansol and to transmit the same to the Court of learned District Judge, Hooghly within a period of three weeks from the date of communication of this order and the learned District Judge, Hooghly, after receipt of the record, in turn shall transfer the said case record before any Court having competent jurisdiction to try the aforesaid case in Serampore.

Department is directed to send a copy of this order to the learned District Judge, Hooghly as well as to the learned District Judge, Paschim Burdwan at Asansol.

With these observations, C.O. 2016 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.)