

5.9.2022
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Ct. no. 652
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C.O. 2065 of 2022

Mili Roy Chowdhury
Vs.
Indranil Chowdhury

Mr. Samiran Mondal
Mr. Abhinaba Dan ...for the petitioner

Mr. Mani Sankar Chattopadhyay ...for the O.P.

This is an application under Section 24 of the Code of Civil Procedure praying for transfer of the matrimonial suit no. 415 of 2021 pending before the Court of the Learned District Judge, Paschim Burdwan to the court of learned Additional District Judge, Khatra, Bankura.

The petitioner contended that the marriage between the petitioner and the opposite party was solemnised on 18.6.2017 at Durgapur according to the Hindu Rites and Customs. The parties were blessed with a female child who was born on 7.12.2018 who is presently under the custody of the petitioner. It is submitted on behalf of the petitioner that the petitioner was driven out from her matrimonial home on 2.6.2018. The petitioner had filed a complaint before the Taldangra Police Station under Section 498A/506/406/34 of the Indian Penal Code which is pending before the court of learned Additional Chief Judicial Magistrate, Khatra. The petitioner also filed another application under Section

125 of the Code of Criminal Procedure against opposite party/husband being misc. case no 33 of 2019 which is also pending before the learned Additional Chief Judicial Magistrate, Khatra.

In the meantime, the opposite party/husband filed a MAT suit no. 415 of 2021 for dissolution of marriage in the court of learned District Judge, Paschim Burdwan. The petitioner has prayed for transfer of the said matrimonial suit from the court of learned District Judge, Paschim Burdwan to the court of learned Additional Chief District Judge, Khatra.

Learned counsel for the opposite party submits that Khatra is far away from the place where the husband resides and moreover the husband at present is posted in Kolkata and as such it is difficult for him to travel from his residence all the way to Khatra which is at a distance of about 120 kilometres from his residence. He further submits that if the said suit is transferred to the court of learned District Judge, Bankura, it will be convenient for him to attend the said matrimonial proceeding.

Having considered the facts and circumstances of the case, the distance involved between the two places and that the petitioner is in custody of a child who is now aged about 4 years and that two cases initiated by petitioner is pending in a court within Bankura District and that in such cases, convenience of the

petitioner/wife should be paramount consideration, C.O no. 2065 of 2022 is disposed of with the following directions:

The learned District Judge, Paschim Burdwan is directed to withdraw the matrimonial suit no. 415 of 2021 from the court of learned District Judge, Paschim Burdwan and to send the same to the court of learned District Judge, Bankura for disposal within a period of two weeks from the date of the communication of this order. Learned District Judge, Bankura on receipt of the case record will serve fresh notice upon both the parties before continuance of further proceeding in the said matrimonial suit and will dispose of the aforesaid matrimonial suit as expeditiously as possible preferably within a period of one year from the date of receipt of the record.

Accordingly, C.O. 2065 of 2022 is disposed of. There shall be no order as to costs.

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.)