

S/L 9
21.11.2022
Court No.652
SD

CO 1858 of 2021

Dr. Debleena Mandal
Vs.
Dr. Raju Addya

Mr. Rahul Karmakar

...for the Petitioner.

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

Opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.75 of 2021 from the Court of learned District Judge, Jhargram to the Court of learned District Judge, at Alipore, South 24-Parganas.

The petitioner has contended that the petitioner was married with the opposite party under the Special Marriage Act on February 21, 2019. The petitioner is a doctor by profession and she is posted at Uluberia Sub-Divisional Hospital, Howrah and now detained at the Jhargram District Hospital, Jhargram.

The petitioner has also contended that she resides at Purba Barisha within the District of South 24-Parganas and that the distance involved in between her residence at Barisha and the Jhargram is about 180 kms. and it involves five hours' journey. The petitioner further submits that she has already initiated a criminal proceeding against the

opposite party/husband which is now pending before the learned Magistrate, Alipore where the petitioner would be required to be present.

In the meantime, the opposite party/husband has filed aforesaid suit for dissolution of marriage before the Court at Jhargram.

The petitioner further contended that the father of the opposite party is a veteran law clerk in the Jhargram District Court and has influence in the locality. The petitioner apprehends that she will not get any cooperation from any of the lawyers or clerks in the said court and she will not get fair trial at the instance of the opposite party, if it is tried in the Jhargram Court. Though the petitioner is not casting any aspersion on any judicial officer but a case needs several logistic support to reach its conclusion. Her father-in-law shall influence the logistical and other support system of the said case and every person in the court being acquainted with the father-in-law of the petitioner and she shall be highly vulnerable to be affected under influence. As such, the petitioner has prayed the aforesaid transfer.

Having considered the aforesaid facts and circumstances of the case and that the distance involved between the petitioner's present residence and the Court at Jhargram is about 180 kms. and that other criminal proceeding initiated by the petitioner is pending before the Alipore Court where the opposite party would be required to present and that the petitioner apprehends that she might

not get fair trial in the Court at Jhargram and that in such cases where the opposite party/husband has sought for dissolution of marriage, the convenience of the petitioner/wife is of paramount importance, the prayer for transfer is allowed.

In view of the above, learned District Judge, Jhargram is hereby directed to withdraw the Matrimonial Suit No.75 of 2021 from the court of learned District Judge, Jhargram and to transmit the same to the Court of learned District Judge, South 24-Parganas at Alipore within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up for further proceeding of the suit.

Department is directed to serve a copy of this order to the learned District Judge, South 24-Parganas at Alipore as well as the learned District Judge, Jhargram.

With these observations, C.O. 1858 of 2021 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.)