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CO 1880 of 2021

**Arpita Paul (Pain)
versus
Sovan Kumar Paul**

(Via Video Conference)

Mr. Shibaji Kumar Das,
... For the Petitioner.

Mr. Soham Bandopadhyay,
... For the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No. 394 of 2021 under Hindu Marriage Act for divorce from the Court of learned Additional District Judge, 4th Court, Purba Burdwan to the Court of learned District Judge, Nadia at Krishnagar.

Mr. Shibaji Kumar Das, learned advocate for the petitioner has proposed for transfer taking grounds of multiplicity of proceedings, distance to be covered, harassment and financial constraints.

Besides the pending matrimonial suit, there is a proceeding under Section 125, Cr.P.C. and a separate criminal case under Section 498A and allied sections against the opposite party/husband. Both such litigations are pending at Kalyani Court.

Mr. Soham Bandopadhyay, learned advocate

appearing for the opposite party/husband, in all his fairness, submits that though the husband has difficulties to participate the hearing process, but the matter should be best addressed at Kalyani Court.

In this case, the petitioner has proposed for transfer of the matrimonial suit to Krishnagar Court. Raising objection to the proposed transfer, Mr. Bandopadhyay submits that a neutral place, other than Krishnagar, would have been the best option in such state of affairs.

There is strong force attached in the submission of Mr. Soham Bandopadhyay, and the Court shares the same view in the matter of consideration of this transfer application.

Having considered the comparative advantages, disadvantages, harassment, multiplicity of proceedings and the financial constraints, a neutral place, like Kalyani, would be the best site to address the matrimonial dispute pending between the parties, where it is expected that the comparative harassment of the parties may be curtailed to a considerable degree

The transfer application is thus disposed of directing the learned Additional District Judge, 4th Court, Purba Burdwan to transfer the Matrimonial Suit No. 394 of 2021 to the Court of learned Additional District Judge, First Court, Kalyani within

a period of four weeks from the date of communication of this order.

Both the parties are directed to ensure their respective appearance before the transferee Court on 16th March, 2022.

The transferee Court after receipt of the case records must try to dispose of the pending matrimonial suit providing sufficient opportunities of hearing to either of the parties in this case.

With these observations and direction, the transfer application stands disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J)