

28.01.2022
Item No.11
Ct. No.7
CHC
(disposed of)

**C.O.1887 of 2021
(Via Video Conference)**

**Smt. Shreyashi Mukherjee (Acharya)
VS.
Sri Subha Mukherjee**

Mr. Dyutimoy Paul
...for the petitioner

Mr. Nirmalya Chatterjee
...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Matrimonial Suit No.824 of 2021 (R- 432/2021), from the court of learned Additional District Judge, 3rd Court, at Paschim Mednipur to Court of learned District Judge at Howrah.

Mr. Dyutimoy Paul, learned advocate appearing for the petitioner submits that after being deserted by her husband, petitioner has been staying in her parental house since 3rd July, 2021. Petitioner has no income of her own. In the meantime, petitioner has invited a case under Section 12 of the D.V. Act and a separate case under Section 498A I.P.C. and allied sections, which are pending at Howrah Court.

Taking the grounds of hardship, harassment, distance, the petitioner has proposed the instant transfer.

Per contra, Mr. Nirmalya Chatterjee, learned advocate for the opposite party strongly opposes the transfer application submitting that there has been complete suppression of material facts and that wife is alleged to be a working lady, and for such material suppression, the transfer application should be dismissed. Mr. Chatterjee submits that husband is a Civil Engineer posted at Gurgaon, Haryana. It is also submitted that instant transfer application is harassing one. It is contended by opposite party that it would be quite disadvantageous for opposite party to participate in the hearing process of Mat.Suit, in the event of case being transferred to proposed place.

In a case of this nature, comparative advantages, disadvantages, harassment of the parties are of highest significance and the Court must try to ensure a balance between the two in all probability.

In view of the submission disclosed by both the parties, the Court is of the view that a neutral place would be the best choice to address the matrimonial differences between the parties. In that view of the matter, Uluberia Court would be the best option, which is having suitable connectivity for availability of multiple conveyances to reach over there. Uluberia Court is also located at such a location, being situated medially, where it is expected that the

comparative disadvantages and harassment may be curtailed to a considerable degree, and in that event there will be no prejudice caused to either of the parties to this case.

With the discussion made hereinabove, the instant transfer application is disposed of directing learned Additional District Judge, 3rd Court, at Paschim Mednipur. to transfer the Matrimonial Suit No.824 of 2021 (R-432/2021) to the court of learned Additional District Judge, Uluberia, Howrah, within six (06) weeks from date of communication of this order.

Both the parties are accordingly directed to ensure their respective appearance before the transferee court on 29th March, 2022.

Transferee Court, upon receipt of the case record, is directed to dispose of the pending Matrimonial Suit providing sufficient opportunities of hearing to either of the parties to this case.

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.)