

07.11.2022  
92  
Ct. no. 652  
sb

**C.O. 2200 of 2022**

**Sudeshna Kundu Mahapatra  
Vs.  
Amaresh Mahapatra**

Mr. Shraman Sarkar  
Mr. Amartya Das

...for the petitioner

Affidavit of service so filed by the petitioner, be kept with the record.

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

This is an application under Section 24 of the Code of Civil Procedure for transfer of the Matrimonial suit no. 65 of 2021 presently pending before the court of learned District Judge, Jhargram to the court of learned Additional District Judge, Serampore, Hooghly.

The petitioner contended that the marriage between the parties was registered on 15.3.2015 under the provision of Special Marriage Act. The petitioner presently posted as Assistant teacher at Sheoraphuri Surendranath Vidyaniketan. The petitioner alleged that after marriage, she was subjected to torture by her husband and in laws. The in-laws did not provide any food to the petitioner or her daughter who was born due to said wedlock. She further alleged that on 3.11.2020

the opposite party tried to kill the petitioner by strangulation and assaulted her with fist and blows and for which the petitioner lodged complaint at Jamboni police Station being case no. 70 of 2020 dated 4.11.2020. The petitioner states that in the meantime, the opposite party has filed aforesaid Mat suit no. 65 of 2021 for dissolution of marriage in the court of learned District Judge, Jhargram. The said court of learned District Judge, Jhargram situates at a distance of 200 kilometres from the present residence of the petitioner. The opposite party has not provided any maintenance either to the petitioner or to her minor daughter who is under the custody of the petitioner. The petitioner already initiated two proceedings, one under Section 125 of the Code of Criminal Procedure and the other under the Domestic Violence Act, claiming maintenance before Serampore Court, which are pending for disposal and opposite party appeared and contesting The petitioner, at present, is bringing up the daughter who was born due to the wedlock with the opposite party and she is further bringing up another son who was born due to her earlier marriage.

The petitioner submits that she is eager to contest the said Mat suit but in view of the strained relationship and the distance involved between the two places, it has become practically impossible for her to attend the said proceeding before the court of learned District Judge,

Jhargram. Accordingly, she has prayed for aforesaid transfer.

Having considered the fact and circumstances of the case and that she is bringing up two minor children at her residence at Serampore and that other proceedings are pending before the court at Serampore where the opposite party would be required to present and that she is presently posted as assistant teacher, at Sheoraphuli School and that in such cases convenience of the wife has to be looked into, who is bringing up two minor children and that inconvenience caused to a female in travelling to another place for pursuing a matrimonial case in socio-economic situation prevailing in country is much more than inconvenience caused to the husband, the prayer for transfer of matrimonial suit as sought for by the wife/petitioner is allowed.

Learned District Judge, Jhargram is directed to withdraw the Mat suit no. 65 of 2021 pending before the court of learned District Judge, Jhargram and to transmit the same to the court of learned District Judge, Hooghly within a period of four weeks from the date of communication of the order.

Learned District Judge, Hooghly in turn will transfer the same in the court of learned Additional District Judge, Serampore, Hooghly having jurisdiction to try the suit.

The transferee court shall issue fresh notice upon both the parties intimating next date of hearing before proceeding further with the present suit.

The department is directed to send a copy of the order to the learned District Judge, Jhargram and Learned Additional District Judge, Serampore, Hooghly.

Accordingly, C.O. 2200 of 2022 is disposed of.

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.)**