

S/L 40
01.9.2022
Court No.652
SD

CO 2224 of 2022

Samapti Bid (Dan)
Vs.
Kumar Abhishek Dan

Mr. Amitabha Karmakar
Mr. Goutam Banerjee
Mr. Arup Kumar Bhowmick

...for the Petitioner.

Mr. Samiran Mandal
Mr. Abhinaba Dan
Mr. Nitish Samanta

...for the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure is at the instance of the petitioner seeking transfer of Matrimonial Suit No.114 of 2021 from the Court of learned Additional District Judge, Bishnupur to the Court of learned District Judge, Paschim Medinipur.

The petitioner has contended that she was married with the opposite party on 26.02.2019. After marriage they were residing as husband and wife but thereafter owing to family dispute and quarrel between the opposite party and his father, the petitioner and the opposite party were driven out from the matrimonial place and they started to stay at a rented accommodation.

On 10.7.2021 the petitioner was deserted at the rented accommodation by the opposite party without any reason and subsequently, the opposite party went back to her parental house at Ghatal. Thereafter, the opposite party/husband filed one suit under Section 13(1)(ia) of the

Hindu Marriage Act before the Court of learned Additional District Judge, Bishnupur at Bankura which was registered as Matrimonial Suit No.114 of 2021.

The opposite party and his father both are legal practitioner and are practising before the said court at Bishnupur where the instant proceeding is pending and thereafter they are using their undue influence to get the selfish needs satisfied.

Moreover, the opposite party and his father are intentionally harassing and hackling the petitioner from her right to fair trial and thereby violating her fundamental as well as constitutional and legal right and as such, the petitioner prays for transferring the matrimonial suit from the court of learned Additional District Judge, Bishnupur to the Court of learned District Judge, Paschim Medinipur with a direction to make expeditious disposal of the case.

Mr. Samiran Mandal, learned advocate appearing on behalf of the opposite party, submits that it is true that the opposite party and his father are the legal practitioner and practising before the said learned court in which the instant proceeding is pending and in that case, the matter may be transferred to the court of learned District Judge, Bankura.

Having considered the aforesaid facts and circumstances of the case and that the court of learned District Judge, Bankura will be far away from the present place of residence of the petitioner which is at Ghatal, I am of the considered view that it would be convenient for both

the parties and also to maintain balance of convenience and inconvenience for both the parties, the proceeding being Matrimonial Suit No.114 of 2021 be transferred from the court of learned Additional District Judge, Bishnupur to the Court of learned District Judge, Paschim Medinipur.

In view of the above, learned District Judge, Bankura is hereby directed to withdraw the Matrimonial Suit No.114 of 2021 from the file of learned Additional District Judge, Bishnupur and to transfer the same in the court of learned District Judge, Paschim Medinipur within a period of two weeks from the date of communication of the order.

The learned Transferee court is requested to make expeditious disposal of the case and to make every endeavour so that the entire proceeding can be concluded preferably within a period of one year from the date of receipt of the record.

With these observations, C.O. 2224 of 2022 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.)