

02.02.2022
Item No.8
Ct. No.7
CHC
(disposed of)

**C.O.1916 of 2021
(Via Video Conference)**

**Smt. Sumana Bera Bagaria
VS.
Sri Ankit Bagaria**

Mr. Dipanjan Chatterjee,
Mr. Tanmay Das,
Mr. Rudra Sinha
...for the petitioner

Mr. Subhanwik Ghosh,
Mr. Pinak Mitra,
Ms. Pallavi Pain
...for the opposite party

Affidavit-of-service furnished by the petitioner be taken on record.

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Matrimonial Suit No.928 of 2021, from the court of learned Additional District Judge, 6th Court, Alipore, South 24 Parganas to the court of learned District Judge, Paschim Medinipore.

Mr. Dipanjan Chatterjee, learned advocate appearing for the petitioner submits that after being deserted by her husband, petitioner has been staying in her parental house with her minor male child. Petitioner has no income of her own to maintain herself and her minor child. In the meantime,

petitioner has invited a maintenance case under Section 125 Cr.P.C. and lodged complaint under Section 498A I.P.C. and allied sections and D.V. Act. Thereafter, opposite party/husband filed a Matrimonial Suit on divorce before the learned Additional District Judge, 6th Co^{urt}, Alipore, South 24 Parganas.

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

Per contra, Ms. Pallavi Pain, learned advocate for the opposite party submits 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. The opposite party proposes for a neutral place, where justice may be dispensed with.

The fighting couple in this transfer application talk about their respective harassment, based on distance to be covered, financial constraints and multiplicity of decisions to come. Of course, in a case of this nature, comparative advantages, disadvantages and harassment of parties are of highest significance. And

the Court has to secure a balance between the two in all probabilities.

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, Haldia Court would be the best option, which is having suitable connectivity for availability of multiple conveyances to reach over there. Haldia Court is also located at such a location, where it is expected that the comparative disadvantages and harassment of the parties 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, 6th Court, at Alipore, South 24 Parganas to transfer the Matrimonial Suit No.928 of 2021 to the court of learned Additional District Judge, Haldia, Purba Medinipore, 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 31st 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.)