

D/L. 124.
October 31, 2022.
MNS.

C. O. No. 2248 of 2022

Smt. Sweta Sarkar Sinha
Vs.
Sri Amit Sinha

Mr. Pratip Kumar Chatterjee,
Mr. Madhusudan Mandal

... for the petitioner.

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

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

This is a proceeding under Section 24 of
the Code of Civil Procedure seeking transfer of
Matrimonial Suit No. 04 of 2020 from the court of
learned Additional District Judge at Asansal,
Paschim Bardhaman, to the court of learned
Additional District Judge at Reghunathpur,
Purulia.

Petitioner contended that the marriage
between the petitioner and the opposite party was
solemnized according to Hindu Rites, Rituals and
Customs on February 27, 2015. Petitioner further
submits that during her stay at her matrimonial
home, the petitioner faced several types of torture

inflicted by the respondent for bringing more dowry and cash and she was treated like a maid servant and ultimately on April 16, 2018 the opposite party had driven the petitioner from her matrimonial home forcibly keeping all her belongings.

Petitioner further submits that she has no independent source of income and she is in financial hardship and on the contrary the opposite party is serving as a Librarian. Petitioner has already initiated one proceeding under Section 125 of the Code of Criminal Procedure for maintenance against the opposite party before the learned Judicial Magistrate at Raghunathpur, being Mis. Case No. 37 of 2018. Now the opposite party has filed the present suit for dissolution of marriage by a decree of divorce, which is now pending before the learned Additional District Judge at Asansal, but due to long distance from her residence, and financial hardship the petitioner is not in a position to appear before the learned court at Asansal. Furthermore one child was born due to said wedlock and she is bringing up said child. Furthermore her father is suffering from illness

and there is no other member in her family to accompany her to attend the court at Asansal.

Accordingly the petitioner has made the aforesaid prayer for transfer.

Having considered the aforesaid facts and circumstances of the case and also considering the distance involved between two places and that according to petitioner she has no independent source of income and where 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/opposite party herein, and that in such cases inconvenience caused to the petitioner is of paramount importance ,I think that this is a fit case to allow the prayer made by the petitioner.

Learned District Judge, Paschim Bardhaman at Asansal is directed to withdraw the Matrimonial Suit No. 04 of 2020 from the court of learned Additional District Judge at Asansal, Paschim Bardhaman, and to transmit the case record to the court of learned District Judge, Purulia, who in turn will transfer the same to the court of the learned Additional District Judge at Raghunathpur, having jurisdiction to try the case.

The entire process for transferring and transmitting will be completed within a period of six weeks from date.

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

C. O. No. 2248 of 2022 is accordingly disposed of.

The department is directed to send the copy of this order to the court of learned District Judge, Paschim Bardhaman and to the learned District Judge, Purulia, immediately.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Ajoy Kumar Mukherjee, J.)