

31.10.2022  
S/L No.44  
KS

**C.R.R. 2297 of 2021**  
**With**  
**IA No. CRAN 1 of 2021**  
**Sri Nirmalendu Roy**  
**-Vs.-**  
**Smt. Supriya Mukherjee (Roy)**

Ms. Ritoprita Ghosh  
Mr. Tanmoy Chowdhury

.....For the Petitioner

The revisional application was preferred praying for transfer of the case relating to Miscellaneous Case No.91 of 2020 from the Court of Learned Judicial Magistrate, 2<sup>nd</sup> Court, Bolpur, Birbhum to the Learned Judicial Magistrate, 2<sup>nd</sup> Court, Siliguri, District Darjeeling or to any other learned Court within the territorial jurisdiction of the residence of the petitioner.

The subject-matter of the case relates to Section 12 of the Protection of Women from Domestic Violence Act, 2005. The present petitioner is the husband and the application was taken out by the wife/opposite party before the Learned Judicial Magistrate. It is established principle of law that in case a party to a proceeding has invoked the jurisdiction by adhering to the provisions of law ordinarily a Court of Law will not interfere to transfer the proceedings according to the convenience of the parties until and unless it is shown that continuance of the said proceeding would result in grave miscarriage of justice.

I have considered the grounds assigned by the petitioner and I do not find that the wife/opposite party has either wrongly invoked the

jurisdiction or the jurisdictional court has committed any error in entertaining the proceedings. So far as the attending issues which have been canvassed for transfer do not call for interference by this Court at this stage and, as such, the same is not interfered with.

Learned advocate for the petitioner submits that she has not received any instruction to proceed with the application for transfer which was filed way back in the year 2021.

Having regard to the contentions made by the learned advocate as well as points which have been canvassed in the revisional application, I do not find any substance to interfere and/or consider the prayer so advanced by the petitioner. However, petitioner would be at liberty to approach this Court if fresh circumstances surface in course of the trial.

Accordingly, C.R.R. 2297 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Learned Trial Court is directed to proceed with the trial of the case.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

**(Tirthankar Ghosh, J.)**