

S/L 103
27.9.2022
Court No.652
SD

CO 2285 of 2022

Rina Samaddar @ Samadder
Vs.
Biswajit Guha Roy

Mr. Souri Ghosal
Ms. Soma Nandy
Mr. Probhat Kr. Singh

...for the Petitioner.

Mr. Hiron Lal Majumdar
Ms. Madhuja Ritwika

...for the Opposite Party.

Affidavit of service filed by the petitioner in Court today be kept with the record.

Vakalatnama filed by the opposite party in Court today be kept with the record.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No.1894 of 2022 pending before the learned Additional District Judge, Fast Track, 4th Court, Alipore to any other Court either in North 24 Parganas District or in Hooghly District.

The petitioner contended that the opposite party filed the matrimonial suit against the petitioner being Matrimonial Suit No.1894 of 2022 which is presently pending before the learned Additional District Judge, Fast Track, 4th Court, Alipore.

The opposite party though is a permanent resident of Thakurpukur but presently being an employee of Nawadip

Co-operative Bank Limited, he is residing at a rented accommodation at Nabadwip. Nabadwip situates at a distance of only two hours journey from Chinsurah. The present petitioner is a teacher of Nabadwip Boys' School and is a permanent resident of Bandel, Hooghly. It is very difficult for her to attend the said proceeding at Alipore.

The opposite party has chosen District Court at Alipore with mala fide intention to harass the present petitioner as he is aware of the condition of the petitioner whose mother is aged and ailing and is under the custody of the petitioner. Petitioner further contended since the opposite party also resides in Nabadwip, Nadia and the petitioner herein stays at Bandel, Hooghly, then it shall be convenient for both the parties if the matrimonial suit is transferred to either Nadia District or in the District of Hooghly.

Learned counsel appearing on behalf of the opposite party, submits that he does not have any objection if the suit is transferred to the court of learned District Judge, Hooghly at Chinsurah as other two proceedings initiated by the petitioner under Section 498A and also under the provisions of Protection of Women from Domestic Violence Act are pending before the Court at Chinsurah, Hooghly.

Petitioner's contention that the father of the opposite party and brother of the father-in-law of the present petitioner are practicing advocate of Alipore Court and there are chances that they shall influence the adjudication of the

present suit, does not have any basis at all in the absence of a cogent document or proof, however having considered the facts and circumstances of the case and that if the aforesaid matrimonial suit is tried in the Court of Hooghly at Chinsurah then it will be convenient to both the parties to proceed with the said suit, I find that this is a fit case where the prayer made by the petitioner can be allowed.

Accordingly, in view of the above, Matrimonial Suit No.1894 of 2022 pending before the learned Additional District Judge, Fast Track, 4th Court, Alipore is hereby transferred to the Court of learned District Judge, Hooghly at Chinsurah.

Learned District Judge, South 24-Parganas at Alipore is hereby directed to withdraw the Matrimonial Suit No.1894 of 2022 from the court of learned Additional District Judge, Fast Track, 4th Court, Alipore and to transmit the same to the Court of learned District Judge, Hooghly at Chinsurah within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up for further proceeding of the said suit.

Department is directed to serve a copy of this order to the learned District Judge, South 24-Parganas, Alipore as well as the learned District Judge, Hooghly at Chinsurah.

It is made clear that this Court has not entered into the merits of the case.

With these observations, C.O. 2285 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.)