

15.06.2022
Court No.10
Item No.46
Aloke Dutta

C.O 1968 of 2021

**Piyali Ghosh (Debnath) @ Piyali Ghosh
vs.
Lakshman Debnath**

Mr. Surya Prasad Chattopadhyay,
Ms. Taniya Sarkar,
Mr. Ankit Chatterjee

.... For the petitioner

From the affidavit-of-service filed it appears that notice has duly been served upon the opposite party. But, there is no representation on behalf of the opposite party.

The instant revision arises out of an application under Section 24 of the Code of Civil Procedure seeking transfer of a Matrimonial Suit from the Court of the learned Additional District Judge, Kalna to the Court of the learned District Judge, Nadia, at Krishnagar.

It is stated by the petitioner Smt. Piyali Ghosh (Debnath) that her marriage with the opposite party, Lakshman Debnath, was solemnised on 29th April, 2013, according to the Hindu Marriage Act. After her marriage with the opposite party, she lived with him as his wife and their marriage was duly consummated.

It is alleged by the petitioner that soon after their marriage, the opposite party subjected her to cruelty by various ways including on the demand for more money. The torture inflicted upon the petitioner went to such an extent, the petitioner lodged an F.I.R at Purbasthali Police Station against opposite party. Unable to bear with the torture meted out to her the petitioner left her matrimonial

home and had to take shelter at her parental home. Now she is residing at her parental home. In order to sustain her livelihood, the petitioner has filed a maintenance case under Section 125 of the Code of Criminal Procedure registered as Misc. Case No.175 of 2021 against the opposite party and this proceeding is pending before a Court of learned Magistrate at Krishnagar.

The petitioner is a poor lady, having no source of income. The distance between her parental home and the Court at Kalna is about 42 kilo meters. Owing to intense poverty and the long distance as above, it will be hardship for the petitioner to go to the Court at Kalna to attend the matrimonial proceeding being MAT Suit no.248 of 2021 brought by the opposite party against her in the Court of the learned Additional District Judge, Kalna. Under such circumstances, the petitioner seeks transfer of the aforesaid Matrimonial Suit.

In the absence of the opposite party, it will be deemed that the facts and circumstances, as stated in the application, supported by affidavit remain uncontroverted.

Having heard the learned counsel appearing for the petitioner and considering the facts and circumstances, as narrated in the application, I think that it will be wise to withdraw the aforesaid Matrimonial Suit and transfer the Suit to the Court of the learned District Judge, Nadia at Krishnagar for disposal.

The learned District Judge, Nadia, may dispose of the Matrimonial Suit either himself or transfer the Suit to any of the Additional District Judges for disposal.

The learned Additional District Judge, Kalna is directed to transmit the case record of the Matrimonial Suit to the transferee Court immediately after receipt of the copy of this order.

Let a copy of this order be communicated to both the learned Courts immediately.

Thus, C.O 1968 of 2021 stands disposed of.

No order as to costs.

(Rabindranath Samanta, J.)