

10.03.2022
Item No.11
Ct. No.7
CHC
(disposed of)

**C.O.2004 of 2021
(Physical Hearing)**

**Lipika Gharamy (Bal)
VS.
Samiran Bal**

Mr. Sourav Mitra
Ms. Sreyasree Choudhury
...for the petitioner

Mr. Anil Kumar Das,
Ms. Madhuri Das,
Mr. Mrinal Das,
Mr. Raja Adhikary
...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Matrimonial Suit No.114 of 2020, from the court of learned Additional District Judge, Jhargram, 1st Court to the learned Additional District Judge, Barasat, North 24 Parganas.

Mr. Mitra, learned advocate appearing for the petitioner submits that for some matrimonial differences, petitioner has been staying apart from her husband since February 2021, and under a compelling circumstances, she has been residing at her parental house at New Town. In the meantime, petitioner has instituted two criminal cases against her husband; one under Section 125 Cr.P.C. praying for maintenance and another under Section 498A

I.P.C. and allied sections. Both such litigations are pending at Barasat Court.

The opposite party/husband is a primary teacher, now posted at Laboni Primary School under Belpahari Circle, District Jhargram. The petitioner/wife is also a working lady and engaged as Anganwari worker within the area of New Town.

Taking such grounds of long distance to be covered, hardship, harassment and multiplicity of litigations, and financial constraints, the petitioner has proposed for the instant transfer.

Per contra, Mr. Anil Kumar Das appearing for the opposite party/husband submits that the instant transfer application is purely harassing one. The allegations raised against O.P/husband is denied by learned advocate for O.P. While disputing with proposed transfer, Mr. Das in the given context of this case innocuously proposes for transferring the case to a neutral site, like Howrah Court, where justice may be effectively dispensed with, taking into the account distance problem of both the parties, but Mr. Das has strong objection to the proposed place of transfer. Such proposal needs to be taken into account, vis-à-vis the grounds set out in the transfer application.

In a case of this nature, the fighting couple would address their respective grievance against each other, which is not to be addressed by this Court and it is, however, left to be addressed by the trial Court at the time of trial.

The advantages, disadvantages, comparative harassment of the parties to this case are of highest significance in this case.

Having considered the comparative advantages, disadvantages and harassment of the parties, the Court is of the view that Howrah Court would be the best option, being a neutral site, having availability of multiple conveyances to reach over there.

Thus it is expedient for the ends of justice that Howrah Court in all fitness of the things would be the best choice, where it is expected that the comparative disadvantages and harassment of the parties may be curtailed to a considerable degree, and a balance may be ensured between the two in this way.

With the discussion made hereinabove, the instant transfer application is disposed of directing learned Additional District Judge, Jhargram, 1st Court to transfer the Matrimonial Suit No.114 of 2020 to the court of learned Additional District Judge, 1st Court, Howrah within three (03) weeks from date of communication of this order.

Both the parties are accordingly directed to ensure their respective appearance before the transferee court on 6th April, 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.)