

17.01.2022
Item No.14
Ct. No.7
CHC
(disposed of)

**C.O.2006 of 2021
(Via Video Conference)**

Debakshmi Halder
.....
Vs.
Prosenjit Halder

Mr. Sudipta Kumar Bose,
Ms. Lipika Nath
...for the petitioner

Mr. Mritunjoy Goswami,
Mr. Parikshit Goswami
...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure filed by the wife/respondent, praying for transfer of Matrimonial Suit No.46 of 2020, filed by the husband under Section 27 of the Special Marriage Act, 1954, which is pending before the learned court of Additional District Judge at Ranaghat.

Learned advocate for the petitioner submits that she is presently residing in her parent's house at Behala and for such reason she is facing great hardship in travelling all the way from Behala to Ranaghat in order to attend the court proceeding before the learned Additional District Judge at

Ranaghat. It is also submitted by the petitioner that she is also suffering from personality disorder which is evident from Annexure-P4. Accordingly, he prays that either the Matrimonial Suit be transferred to the learned District Judge at Alipore or learned Additional District Judge, Sealdah.

Learned advocate appearing for the opposite party in reply to the aforesaid contention raised on behalf of the petitioner/wife submits that the opposite party/husband is an Assistant Manager of nationalized Bank namely, Canara Bank at Krishnagar Branch and the minor daughter is also residing with him, whose care is being taken by her grand-mother. Further the opposite party is willing to pay the conveyance charges to the wife for attending the court proceeding.

It is undisputed that the petitioner/wife is presently residing in her parent's house at 42/13, Maharani Indira Devi Road, Sadhyadeep Apartment, Flat No.07, Behala, Police Station – Parnasree, District – 24 Parganas (South), Kolkata – 700 060. The Matrimonial Suit being No.46 of 2020 is pending before the learned Additional District Judge, at Ranaghat. Thus, it is found that in order to attend such proceeding, the petitioner/wife is to travel from Behala to Ranaghat. Further, the 'Annexure-P4' also

reveals that the petitioner is Emotionally Unstable Personality Disorder Borderline Type.

Considering the aforesaid facts and circumstances, I am inclined to allow the prayer of the petitioner for transfer of the Matrimonial Suit being No.46 of 2020.

Accordingly, let the Matrimonial Suit being No.46 of 2020, pending before the court of learned Additional District Judge, Ranaghat be withdrawn and transferred to the court of learned Additional District Judge, Sealdah, 24 Parganas (South), for trial and disposal.

The interim order of stay of proceeding stands vacated.

The instant application being C.O.2006 of 2021 under Section 24 of the Civil Procedure Code stands disposed of.

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.

(Bivas Pattanayak, J.)