

D/L. 134.
October 31, 2022.
MNS.

C. O. No. 2389 of 2022

Smt. Shrabanti Roy (Sahoo)
Vs.
Sri Himangshu Sahoo

Mr. Partha Sarathi Mondal

... for the petitioner.

Sk.Jayed Hossain

...for the opposite party.

Affidavit-of-service filed by the petitioner
be kept on record.

This is an application under Section 24 of
the Code of Civil Procedure for transfer of
Matrimonial Suit No. 67 of 2021 from the court of
learned District Judge, Purba Medinipur, Tamluk
to the court of learned Additional District and
Sessions Judge, Kakdwip, South 24 Parganas or
learned District & Sessions Judge, Diamond
Harbour, South 24 Parganas.

Petitioner contended that the marriage
between the petitioner and the opposite party was
solemnised in accordance with Hindu Rites and
Customs on July 18, 2014. Petitioner/wife and
opposite party/husband both were employed as
assistant teachers in a High School at Kulpi and

they decided to live in a rented accommodation for their service purpose. Subsequently they shifted to another rented accommodation at Jaynagar Mazilpur on July 30, 2014. Petitioner alleges that after few days of their marriage the opposite party/husband without any reason subjected her to physical and mental torture and the level of torture increased day by day and on April 16, 2018 the petitioner was driven out from that rented accommodation and as such the petitioner/wife returned to her paternal house at Namkhana, South 24 Parganas and on the contrary the opposite party/husband on special ground transferred his place of posting from Kulpi High School to a High School at Tamluk. In the meantime, the husband has filed the aforesaid suit for dissolution of marriage in the court of the learned District Judge, Purba Medinipur, at Tamluk on January 21, 2021. Petitioner submits that she is now residing at her paternal house at kulpi with her only child, who was born due to the said wedlock. Petitioner further submits that she wants to contest the aforesaid matrimonial suit but the distance between Namkhana and Tamluk is more than 125 kilometers and being a lady, it is impossible for her to attend the said court

proceeding. Accordingly, she prays for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party submits that he is presently residing along with his aged mother, and there is no other to look after her. He further submits that if the case is transferred in any court situates within district Howrah or at Alipore, he does not have any objection, as said places have got comparatively good transportation from Tamluk.

Having considered the aforesaid facts and circumstances of the case and that both the petitioner and the opposite party, are now employed as school teacher and that the court situates at the District Headquarter at Alipore would be convenient to the parties in terms of transportation, I find that the said matrimonial suit is to be transferred in the court of the learned District Judge, South 24 Parganas at Alipore for disposal.

Learned District Judge, Purba Medinipur at Tamluk is hereby directed to withdraw the Matrimonial Suit No. 67 of 2021 from the court of learned District Judge, Purba Medinipur at Tamluk, and to transmit the case record to the court of learned District Judge, South 24

Parganas at Alipore for disposal within a period of three weeks from the date of the communication of the order.

The transferee court will serve notice upon both the parties intimating the next date of hearing before taking up further proceeding of the suit.

The transferee court is requested to make all endeavour to dispose of the matrimonial suit as expeditiously as possible, preferably within a period of one year from the date of receipt of the record.

C. O. No. 2389 of 2022 is accordingly disposed of.

The department is directed to send a copy of this order to the court of learned District Judge, Purba Medinipur at Tamluk and to the learned District Judge, South 24 Parganas at Alipore, immediately.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Ajoy Kumar Mukherjee, J.)