

12.12.2022
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Ct. no. 652
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C.O. 2413 of 2022

Smt. Priyanka Shaw
Vs.
Sri Rajib Kumar Shaw

Mr. Ranajit Roy ...for the Petitioner

Affidavit of service filed by the petitioner, is taken on record. Opposite party has refused to take the copy of the revisional application and is not represented today.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit no. 522 of 2021 presently pending before the court of learned Additional District Judge, Chandannagar, Hooghly to the court of learned Family court-I, Calcutta.

The petitioner contended that the petitioner married with the opposite party on 20.2.2006 and due to said wedlock, one female child was born who is under the custody of father/opposite party. The petitioner alleged that since her marriage, the petitioner was subjected to mental and physical torture for dowry and with the passage of time the degree and extent of torture was increased and she was even denied basic necessities of life. Ultimately in the month of February, 2020, she was assaulted and she was driven out from her matrimonial home. In spite of such mental and physical

torture, the petitioner submits that she wanted to resume matrimonial life but she was refused to enter at her matrimonial home and she was not even allowed to meet with her minor daughter.

In the month of December, 2021, the opposite party filed a suit for dissolution of marriage which is now pending before the court of learned Additional District Judge, Chandannagar, Hooghly. Learned Additional District Judge, Chandannagar fixed the case for hearing on 14.1.2022 and then on 14.6.2022 and on both the dates, the petitioner was unable to take steps. On 14.6.2022, the learned Additional District Judge, Chandannagar, Hooghly has been pleased to fix the matter for ex parte hearing on 19.9.2022, since the petitioner is unable to take necessary steps for being represented before the learned court at Chandannagar. Petitioner states that the opposite party and his family members are influential and well-connected persons in the district of Hooghly and as such she apprehends threat to her safety and security if she has to travel alone to attend said proceeding at Chandannagar. The petitioner submits that she is a homemaker and she does not have independent source of income and presently she is entirely dependent upon her parents for running day to day expenses and as such it has become very difficult for the petitioner to attend the said court from Kolkata. On the contrary the opposite party having

a decent income frequently travels to Kolkata for the purpose of his avocation and as such she has prayed for aforesaid transfer.

Having considered the facts and circumstances of the case and the submissions made by the petitioner and in the absence of any denial or counter affidavit, it appears that the petitioner is a homemaker and she does not have source of income and that the distance involved between two places are about 50 kilometres and that in such cases, where the husband has sought for dissolution of marriage against the petitioner/wife, the convenience of the petitioner is of paramount importance and as such the prayer made by the petitioner, is allowed.

In view of above, learned District Judge, Hooghly at Chinsurah is hereby directed to withdraw the Matrimonial Suit no. 522 of 2021 presently pending before the court of learned Additional District & Sessions Judge, Chandannagar, Hooghly and to transmit the same to the court of learned Family court-I, Calcutta within a period of three weeks from the date of communication of the order.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the aforesaid proceeding.

The department is directed to send a copy of the order to the learned District Judge, Hooghly at Chinsurah and learned Family court-I, Calcutta.

Accordingly, C.O. 2413 of 2022 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)