

24.11.2022
List – D/L.
Sl No.154.
Mithun
Ct.No.652.

IA No: CAN/1/2022
In
CO 2568 of 2022

Manju Barman @ Manju Das
Vs.
Subir Barman

Mr. Pinaki Bhattacharyya, Adv.
Mr. Debjyoti Maity, Adv.
Mr. Amartya Mohan Bhattacharyya, Adv.

...for the petitioner.

Mr. Subrata Bhattacharyya, Adv..
...for the Opposite party.

CAN 1/2022

The Matrimonial Suit which has been sought for transfer in this application being Mat. Suit No. 165/2022 subsequently renumbered as Mat. Suit 165/2022/ Mat Suit No 72/2022 on transfer from Additional District Judge-I, Durgapur to Additional District Judge, Special Court, Durgapur, which fact was not known to the petitioner and as such petitioner now wants to incorporate said fact by way of amendment. Prayer is allowed. Department is directed to make necessary incorporation CAN 1 of 2022 is accordingly disposed of.

CO 2568 of 2022

A notice is taken on record.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No.165 of 2022/72 of 2022 presently pending before the learned Additional District Judge, Special Court at Durgapur to the Court of the learned Additional District Judge, Haldia.

Petitioner contended that petitioner was married with the opposite party on 14.12.2015. Petitioner alleged that since the date of marriage the opposite party was not behaving properly with the petitioner and started to misbehave with her and thereafter the petitioner was forced to return to her paternal home, and presently she is residing at her father's house at Haldia, Purba Medinipur. Petitioner further submits that thereafter the opposite party without trying to resolve the issues in conflict, all on a sudden filed the present suit for dissolution of marriage.

It is further submitted that the parties are blessed with a male child who is now aged about 5 years and presently under the custody of the petitioner/mother. Petitioner further submits that thereafter she has filed two cases against the opposite party which are now pending before the learned Additional Chief Judicial Magistrate, Haldia being Misc. Case No.634 of 2017 under Section 12 of the Protection of Women from Domestic Violence Act and Misc. Case No.635 of 2017 under Section 125 of the Code of Criminal Procedure.

Petitioner also submits that she is suffering from various ailments and she is also very weak and due to such ailments, she is not in a position to move from her paternal home to Durgapur Court for conducting the aforesaid case. Accordingly, she has sought for aforesaid transfer.

Learned Counsel for the opposite party submits that he is presently residing in Durgapur and it would also be very much inconvenient and hardship for him if the said suit is transferred to the Court of Haldia, Purba Medinipur.

Mr. Subrata Bhattacharyya, learned Counsel appearing on behalf of the opposite party suggests that if it is transferred to the Court of Uluberia, Howrah then it would not cause much inconvenience to the petitioner to attend the said proceeding and it would also cause lesser inconvenience to the opposite party.

Mr. Pinaki Bhattacharyya, learned Counsel appearing on behalf of the petitioner concedes to such proposal.

In view of the aforesaid consent given by the parties, C.O.2568 of 2022 is hereby disposed of with a direction upon the learned District Judge, Paschim Burdwan to withdraw Matrimonial Suit No.165 of 2022/72 of 2022 from the Court of learned Additional District Judge, Special Court at Durgapur and to transmit the same to the Court of the learned District

Judge, Howrah within a period of 3 weeks from the date of communication of this order and learned District Judge, Howrah in turn, will transfer the same to the Court of learned Additional District Judge, Uluberia having jurisdiction to try the suit within 3 weeks thereafter.

The Transferee Court shall serve fresh notice to both the parties intimating the next date of hearing before taking up further proceeding of the suit.

Department is directed to send a copy of this order to the learned District Judge, Paschim Burdwan and learned District Judge, Howrah immediately.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Ajoy Kumar Mukherjee, J)