

07.02.2022
Item No.10
Ct. No.7
CHC
(disposed of)

**C.O.2169 of 2021
(Physical Hearing)**

**Mrs. Rezia Sultana
VS.
Mr. Sayel Mandal**

Mr. Asif Hussain,
Ms. Labani Pan

...for the petitioner

Mr. Debasis Kar,
Mr. H. Mustafi,
Mr. S. Chowdhury

...for the opposite party

Liberty is given to learned advocate for the petitioner to correct the prayer portion.

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Mat.Suit No.19 of 2021, praying for dissolution of marriage under the Muslim Marriage Act, from the court of learned Civil Judge (Junior Division), 2nd Court, at Barrackpore to the any court having appropriate authority to decide the same suit within the jurisdiction of Alipore Court.

Mr. Asif Hossain, learned advocate appearing for the petitioner submits that marriage between the parties was solemnized on 25th March, 2018, as per Muslim Rites and Customs. That for the matrimonial differences between the parties, a trouble cropped up between them, and since 2019, petitioner has been

staying apart from her husband, though previously after marriage she left for Mumbai being accompanied by her husband.

The opposite party is submitted to be an employee of hotel, allegedly posted at Mumbai.

It is contended by the learned advocate for the petitioner that since petitioner is now posted at Park Circus Branch being an employee of a bank, it would be very difficult on her part to participate in the hearing process of Matrimonial Suit pending at Barrackpore Court travelling a considerable distance, as that would affect her service, and upon taking such ground particularly, focussing the harassment and disadvantages, the petitioner has proposed for the instant transfer.

Mr. Debasis Kar, learned advocate appearing for the opposite party submits that the instant transfer application is purely harassive one, and the husband would be equally in disadvantageous state to ensure his appearance, in the event of the case being transferred to Alipore Court.

Learned advocate appearing for the opposite party raises objections against the proposed transfer.

Having considered the rival submissions of the parties, it appears that both the parties are interested to protect their respective inconveniences and

hardship, which is very common in a 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. In the fitness of things and to ensure a balance between the two, selection of a neutral site, wherein justice is expected to be best sub-served with all fairness of the trial, may be a matter of good consideration vis-à-vis, the grounds set out in the transfer application.

Having considered the comparative advantages, disadvantages and harassment of the parties, the Court is of the view that Sealdah Court, within the district South 24 Parganas would be the best option, being the neutral site, and situated medially having availability of multiple conveyances to reach over there.

Thus it is expedient for the ends of justice that Sealdah Court in all fitness of the things would be a 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 Civil Judge (Junior Division), 2nd Court, at Barrackpore to transfer the Matrimonial Suit No.19 of 2021 to the court of learned Civil Judge (Junior Division), 1st Court, Sealdah, South 24 Parganas, within six (06) weeks from date of communication of this order.

Both the parties are accordingly directed to ensure their respective appearance before the transferee court on 30th March, 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.)