

Ct. 08.6
No. 2022
10
akb

C.O. 2207 of 2021
Smt. Satabdi Das (Dhara)
-Versus-
Sujit Das

Mr. Uday Sankar Chattopadhyay
Mr. Pranay Basak
Ms. Stisha Rakshit **...For the Petitioner**

Mr. Krishnapada Pal
Mr. Souvik Maji **...For the Opposite Party**

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

This is an application under Section 24 of the Code of Civil Procedure praying for transfer of a Matrimonial Suit from a Court at Barasat to the learned District Judge, Purba Bardhaman at Burdwan.

The petitioner Smt. Satabdi Das (Dhara) states that she was married to the opposite party Sujit Das on March 12, 2019 and their marriage was registered. But sometimes after the marriage, opposite party inflicted torture upon the petitioner both physically and mentally.

After 15 days of her marriage the petitioner had to leave her matrimonial home and took shelter at her parental home. All on a sudden the petitioner got summons of a matrimonial suit and came to know that the opposite party filed a matrimonial suit, being No.1499 of 2021 in the court of the learned District Judge, North 24-Parganas at Barasat. The suit brought by the opposite party has been transferred to the court of a learned Additional District Judge, Fast Track 3rd Court at Barasat, North 24-Parganas.

The father of the petitioner was an ailing person and he could not bear the torture inflicted upon her.

Under such mental torture, the father of the petitioner died on June 12, 2021. The mother of the petitioner is also an aged person. The petitioner has no income of her own and she is fully dependent upon her ailing mother. The petitioner submits that it will be very difficult for her to travel all the way from Burdwan to Barasat Court to attend the matrimonial proceeding pending in the aforesaid court at Barasat. It will also be difficult for her mother to accompany her to go to Barasat to attend the aforesaid legal proceeding. The distance between Burdwan Town and Barasat Court is nearly 131 K.Ms. Under such circumstances, the petitioner prays that the aforesaid matrimonial suit be withdrawn and transferred to the court of the learned District Judge, Purba Bardhaman at Burdwan.

The opposite party in his affidavit-in-opposition complains that soon after marriage, the petitioner was staying in secluded manner. Though the opposite party showered love and affection upon the petitioner, the petitioner remained indifferent to him and as such, the marriage solemnized between them was not consummated. She avoided doing such household works. She used to lock herself in a room most of the time and remained busy with her mobile phone.

Though the opposite party provided good food and clothing for her, the petitioner neglected him. The opposite party asserts that the petitioner left her matrimonial home in her own accord. The opposite party denies the circumstances, which have been narrated by the petitioner in her application seeking transfer of the aforesaid matrimonial suit.

Admittedly, the marriage between the petitioner and opposite party was solemnized and registered on March 12, 2019. It is not in dispute that within 15 days of their marriage, the petitioner under a compelling circumstances had to leave her matrimonial home and she is now residing at her parental home. It is also not in dispute that the father of the petitioner died on June 12, 2021. The petitioner submits that her mother after losing her husband is now suffering from ailments.

As the documents on record annexed to the application reveal, the opposite party filed the matrimonial suit being No.1499 of 2021 in the court of the learned District Judge, North 24-Parganas at Barasat and the suit has been transferred to the learned Additional District Judge, Fast Track 3rd Court at Barasat for disposal.

Now, this Court is to consider whether the facts delineated in the application do justify transfer of the aforesaid matrimonial suit.

Learned Advocate appearing for the opposite party submits that the parents of the opposite party are ailing and in support of their ailment he has filed some documents annexed to the affidavit-in-opposition. Learned Advocate by referring two decisions, one rendered on April 21, 2003 in a Transfer Petition (C) No.329 of 2002 by the Hon'ble Apex Court and another decision rendered on 27th March, 1986 by this Hon'ble Court in the case of ***Smt. Pritikona Banerjee Vs. Rabi Shankar Banerjee***, argues that if the Court finds it justified, the Court may transfer a matrimonial suit to any other court as this Court may deem it just.

It is noticed that after the death of the father of the petitioner and her mother suffering from ailments, there is no other competent member in her parental home to accompany her to go to Barasat Court to attend the aforesaid matrimonial proceeding.

Undisputedly, the distance between Burdwan and Barasat Court is more than 130 K.Ms. This Court can take judicial notice that to reach to Burdwan Town there is frequent train services and other transport facilities.

Having heard the learned Advocates appearing for the parties and considering the facts and circumstances as narrated by the petitioner in the application, I feel that it will be wise if the aforesaid matrimonial suit is withdrawn and transferred to the court of the learned District Judge, Purba Bardhaman at Burdwan.

In view of the aforesaid observations, the application is allowed.

Let the matrimonial suit being No.1499 of 2021 now pending in the court of the learned Additional District Judge, Fast Track 3rd Court, Barasat, North 24-Parganas be withdrawn and the suit be transferred to the learned District Judge, Purba Bardhaman at Burdwan for disposal.

The learned Additional District Judge, Fast Track 3rd Court, Barasat, North 24-Parganas is directed to transmit the case record case record to the learned transferee Court forthwith on a receipt of copy of this order.

The learned District Judge may either himself dispose of the suit or transfer the suit to any other Court of

Additional District Judge for disposal.

With the aforesaid direction the application under Section 24 of the Code of Civil Procedure is disposed of.

There will, however, be no order as to costs.

Let a copy of this order be communicated to both the Courts below for information and compliance.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis upon compliance of all formalities.

(Rabindranath Samanta, J.)