

17.11.2022
Item No. 170
Crt.No.652
b.r.

C.O. 2678 of 2022

Pinkey Chanda Dey
-vs-
Prasenjit Chanda

Mr. Manas Kumar Das
..... for the petitioner.

Affidavit of service filed in Court today be kept with the record.

Inspite of service opposite party is not represented.

This is an application under Section 24 of the Civil Procedure Code seeking transfer of the Matrimonial Suit No. 402 of 2021 pending before the learned Additional District Judge, 2nd Court, Asansol to the learned Additional District Judge, to the Court of learned Additional District Judge, Rampurhat.

The petitioner contended that the petitioner was married with the opposite party four years back under Hindu rituals and customs. Due to said wedlock one male child was born and presently under the custody of the petitioner. The petitioner further submits that she has initiated criminal proceeding under Sections 498A/323 of the Indian Penal Code which is pending before the learned Additional District Judge, Rampurhat, Birbhum. She has also initiated a

proceeding under Section 125 of the Code of Criminal Procedure which is pending before the learned Additional Chief Judicial Magistrate, Rampurhat and another proceeding initiated under Section 12 of the Protection of Women from Domestic Violence Act is also pending before the learned Additional Chief Judicial Magistrate, Rampurhat. She further submits that the husband is contesting all the said proceedings. The petitioner is an unemployed lady, having no means to incur travelling and other expenses in order to attend the said proceeding at Asansol, Paschim Burdwan.

The petitioner further contended that the opposite party and his relatives are very influential and there is every apprehension that she would not be able to defend her case at Asansol which is about 140 kilometres away from the present residence of the petitioner.

Having considered the aforesaid facts and circumstances of the case and that the petitioner is an unemployed lady and that three other proceedings initiated by the petitioner is pending before the Rampurhat Court where the opposite party would be required to attend and that the petitioner is the custodian of a minor child who is now aged about 4 years and in such cases inconvenience caused to a

lady, in travelling to another place for pursuing a matrimonial case in socio-economic situation prevailing in country is much more than in convenience caused to husband/opposite party, the prayer made by the petitioner is allowed.

The learned District Judge, Paschim Burdwan is directed to withdraw Matrimonial suit No. 402 of 2021 from the Court of learned Additional District Judge, 2nd Court at Asansol and to transmit the same to the Court of learned District Judge, Birbhum within a period of three weeks from the date of communication of the order who in turn will transfer the same to the Court of learned Additional District Judge, Rampurhat having jurisdiction within a period of two weeks thereafter.

The transferee court shall inform both the parties about the next date of hearing before taking up further proceeding of the suit.

Accordingly, C.O. 2678 of 2022 is disposed of.

The department of directed to serve a copy of this order to learned District Judge, Birbhum and Learned Additional District Judge, Paschim Burdwan.

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.)