

17.11.2022
Item No. 171
Crt.No.652
b.r.

C.O. 2683 of 2022

Smt. Swastika Pradhan @ Mondal
-vs-
Sri Biplab Pradhan

Mr. Tapan Kumar Mahapatra
..... petitioner.

Mr. Neil Basu
Mr. Sankha Biswas
..... for the Opposite Party.

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

This is an application under Section 24 of the Civil Procedure Code seeking transfer of the Matrimonial Suit No. 97 of 2022 pending before learned District Judge, Paschim Medinipur to the court of learned Additional District Judge, 2nd Court, Bongaon, North 24-Parganas.

The petitioner contended that the petitioner was married with the opposite party on 01.12.2019. The petitioner is a primary school teacher in a school situated within the district of North 24-Parganas.

The opposite party has filed the aforesaid matrimonial suit for dissolution of marriage before the Court of learned District Judge, Paschim Medinipur under Section 13 of the Hindu Marriage Act, though opposite party is well aware that due to sudden death of her father, she is now constrained to reside with her lonely mother.

The distance involved between the two places is about 180 kilometers and it would be very much hardship for the petitioner to travel such a long distance in order to contest the aforesaid suit.

It is further submitted by the petitioner that the petitioner has already filed a suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act being Matrimonial suit No. 105 of 2022 which is pending before the learned Additional District Judge, 2nd Court, Bongaon North 24 Parganas and in the said suit opposite party herein appeared and contesting.

Mr. Basu, learned advocate appearing on behalf of the petitioner has raised strong objection in respect of the aforesaid prayer for transfer contending that the petitioner is a working lady and getting lucrative salary and on the contrary the opposite party/husband is an unemployed person and he has to look after his aged parents and as such it is not possible for him to contest the said suit at Bongaon Court on a regular basis as there is none to look after his parent in the family. Accordingly, he has prayed for rejection of the aforesaid prayer for transfer.

Having considered the aforesaid facts and circumstances of the case and that the petitioner is working as a primary teacher in a school within the district of North 24-Parganas and that petitioner/wife has initiated proceeding for restitution of conjugal right in

Bongaon court and if both the suits be not heard by the same court, analogously, there is serious chance of conflict of judicial decisions and that the distance involved between the two places is about 180 kilometer and that it is more inconvenient to a woman to travel such a long distance than the inconvenience of husband that might be caused for travelling the same, for pursuing a suit, in socio-economic situation prevailing in country, the prayer made by the petitioner is allowed.

The learned District Judge, Paschim Medinipur is directed to withdraw Matrimonial suit No. 97 of 2022 from the Court of learned District Judge Paschim Medinipur and to transmit the same to the Court of learned District Judge, North 24-Parganas at Barasat 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, 2nd Court, Bongaon for analogous trial of both the suits.

Accordingly, C.O. 2683 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.)