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Swarup Bhattacharya

...For the Petitioner

After receiving summons from a Court, the petitioner came to know that the opposite party filed a

Matrimonial suit, being No. 363 of 2021 against her in the Court of the learned Additional District Judge at Kalna, District – Purba Bardhaman seeking dissolution of their marriage between them.

The petitioner states that the distance between her parental home at Village – Tullyan, Post Office & Police Station – Tarakeswar, District – Hooghly and the Court at Kalna is about 150 kms. There is no direct bus or train service from Tullyan to Kalna. Hence the prayer.

Learned Lawyer for the petitioner submits that petitioner will face immense inconvenience, if she has to travel such a long distance to attend the matrimonial proceeding before the Court at Kalna. Under such circumstance, learned Lawyer prays for transfer of the matrimonial suit.

In the absence of the opposite party, it will be deemed that the facts and circumstance as stated in the application remain uncontroverted. What I find, a criminal case launched by the petitioner under Sections 498A/406/34 of the Indian Penal Code is pending in a Court of learned Judicial Magistrate at Chinsurah, Hooghly.

As the facts narrated in the application project, I feel that the petitioner will face immense difficulties to reach the Court at Kalna, travelling circuitous long distance from her parental home.

Having heard the learned Counsel appearing for the petitioner and considering the facts and circumstances as stated in the application I feel that it will be wise if the aforesaid matrimonial suit is withdrawn from Kalna Court

and transferred to the Court of the learned District Judge, Hooghly.

In view of the above, the revisional application is allowed.

Let the Matrimonial Suit, being No. 363 of 2021 be withdrawn from the Court of the learned Additional District Judge, Kalna, District – Purba Bardhaman and the suit be transferred to the Court of the learned District Judge, Hooghly at Chinsurah for disposal.

Learned District Judge, Hooghly at Chinsurah may dispose of the suit either himself/herself or transfer the suit to any of the Courts of learned Additional District Judge at the station.

The learned Additional District Judge, Kalna, District – Purba Bardhaman, is directed to transmit the case record of the matrimonial suit to the transferee court immediately after receipt of a copy of the order.

With the aforesaid direction, C.O. 2279 of 2021 stands 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.)