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C.O. 2285 of 2021

**Prerna Gaba nee Kedia
Vs
Gourav Gaba**

Mr. Ratul Das,
Mr. Rajesh Upadhyay,
Ms. Surabita Biswas,
Mr. A. Shaw,

... For the Petitioner.

Mrs. Somali Mukkhopadhyay,

... For the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Mat. Suit No.1814 of 2019, from the court of learned District Judge, Barasat, North 24 Parganas to the court of learned District Judge, Alipore, South 24 Parganas.

Mr. Rajesh Upadhyay, learned advocate appearing for the petitioner submits that after emergence of matrimonial discord between the parties, petitioner/wife has been staying at Ballygaunge, as a purely housewife. Mr. Upadhyay contends that the petitioner has a eight year old child, which she has to take care of as a dutiful mother, and it would be quite disadvantages for the petitioner to participate in the hearing process of matrimonial suit pending at Barasat Court, after incurring a considerable journey and necessary expenses therefor.

As regards the grounds set out in the transfer application; long distance to be covered, hardship, harassment, and financial constraints are grossly focussed.

Taking such grounds, Mr. Upadhyay proposes for instant transfer.

Incidentally, Mr. Upadhyay also submits that there is a civil suit pending for cancellation of a deed between the parties and that is pending at Barasat Court.

Mrs. Somali Mukkhopadhyay, learned advocate appearing for the opposite party/husband submits that the present transfer application is purely harrasive one, and the pending matrimonial suit has proceeded to a considerable length and issues have already been framed.

It is thus contended by learned advocate for the opposite party that opposite party/husband will be equally put to difficulty, in the event of the case being transferred to the proposed place. More so, the pending matrimonial suit having moved to a considerable extent, the transfer application does not call for any interference, learned advocate for the opposite party argues.

True, it is that issues have been framed, but virtually there has been no commencement of trail in the pending matrimonial suit, and at this stage the

submissions advanced by the learned advocate for the opposite party does not require any serious consideration.

Learned advocate for the opposite party incidentally proposes for a neutral site, where justice may be best sub-served, upon taking into consideration the communication point of view. Such submission may be a significant consideration and needs to be taken care of.

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, 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 District Judge, Barasat, 24 Parganas (North) to transfer the Matrimonial Suit No.1814 of 2019 to the court of learned 1st Additional District Judge,

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)