

27.01.2022
Item No.14
Ct. No.7
CHC
(disposed of)

**C.O.2293 of 2021
(Via Video Conference)**

**Smt. Alpana Maity alias Alpana Maity Majumdar
VS.
Debasish Maity**

Mr. Arindam Paul,
Ms. Parna Mukherjee
...for the petitioner

Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh
...for Ramakrishna
Vivekananda Mission

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Matrimonial Suit No.229 of 2020, from the court of learned Additional District Judge, 1st Court, Kakdwip, South 24 Parganas to the court of learned Additional District Judge, Barrackpore, North 24 Parganas.

Mr. Arindam Paul, learned advocate appearing for the petitioner submits that after being deserted by her husband, petitioner has been staying in her parental house with her minor son. In the meantime, petitioner has invited a maintenance case under Section 125 Cr.p.C. in the Barrackpore Court and petitioner is now getting maintenance of Rs.7,500/.

Taking the grounds of hardship, harassment, distance, the petitioner has proposed the instant transfer.

Per contra, Mr. Dilip Kr. Shyamal submits that instant transfer application is harassive one. It is contended by opposite party that it would be quite disadvantageous for opposite party to participate in the hearing process of Mat.Suit, in the event of case being transferred to proposed place. More so Kakdwip is far off from Barrckpore.

In view of the submission disclosed by both the parties, the Court is of the view that a neutral place would be the best choice to address the matrimonial differences between the parties. In that view of the matter, Sealdah Court would be the best option, which is having suitable connectivity for availability of multiple conveyances to reach over there. Sealdah Court is also located at such a location, where it is expected that the comparative disadvantages and harassment may be curtailed to a considerable degree, and in that event there will be no prejudice caused to either of the parties to this case.

With the discussion made hereinabove, the instant transfer application is disposed of directing learned Additional District Judge, 1st Court, Kakdwip, South 24 Parganas to transfer the Matrimonial Suit No.229 of 2020 to the court of learned Additional District Judge, 2nd Court, Sealdah, within five (05) weeks from date of communication of this order.

Both the parties are accordingly directed to ensure their respective appearance before the transferee court on 29th 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.)