

S/L 8
14.06.2022
Court No.1
sourav

**IN THE HIGHCOUR AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

CO 42 of 2022

**Smt. Prothoma Saha
Vs.
Sri Sumit Basak**

*Mr. Hillol Saha Podder
Ms. Mousumi Das*

... for the Petitioner.

*Mr. Sanjay Kumar Sarkar
Mr. Bhaskar Roy Mahasaya*

...for the Opposite Party.

Petitioner seeks transfer of Matrimonial Suit No. 441 of 2021 pending in the Court of the learned District Judge, Jalpaiguri to the learned Additional District Judge, Mathabhanga.

The petitioner is the wife of the opposite party. The petitioner cites distance hardship as well as financial hardship for the purpose of transfer.

Learned advocate appearing for the opposite party submits that an opportunity should be given for mediation.

With regard to the prayer for mediation, the Court enquired as to the quantum that the opposite party is in a position to pay as interim maintenance to the petitioner. On instructions, learned advocate appearing for the opposite party submits that the

opposite party can at best pay Rs. 5,000/- per month. In answer to a further query of the Court, as to the source of income of the opposite party, the learned advocate for the opposite party on instruction submits that the opposite party is working as a helper to his father who is a goldsmith.

The financial condition, therefore, which the opposite party makes out, is such that, it would be imprudent to ask a lady to enter into mediation. Apparently, on the statement of the opposite party, he is unable to maintain a family. Therefore, directing a mediation in such conspectus will not be in the beneficial interest of the petitioner.

Considering the grounds made out for transfer in the petition, it would be appropriate to direct transfer of Matrimonial Suit No. 441 of 2021 pending before the learned District Judge, Jalpaiguri to the learned Additional District Judge, Mathabhanga. The learned District Judge, Jalpaiguri is requested to transmit all records of Matrimonial Suit No. 441 of 2021 to the learned District Judge, Cooch Behar, who upon receipt of such records is requested to transmit the same to the appropriate court at Mathabhanga for trial and disposal. The transferee court is at liberty to

proceed with Matrimonial Suit No. 441 of 2021 from the stage that it attained in the transferor court or from such other stage as it deems appropriate.

Accordingly, **CO 42 of 2022** is disposed of.

(Debangsu Basak, J.)