

Court No. 652

CO 69 of 2023

27.03.2023

(AD 277)

(S. Banerjee)

Sonia Mondal

Vs.

Surojit Balmiki

Mr. Snehansu Majumder

... for the petitioner

Affidavit of service filed by the petitioner is taken on record.

In spite of service, opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No. 1379 of 2022 presently pending before the court of learned Additional District Judge 3rd Court Barrackpore, North 24 Parganas to the court of learned Additional District Judge, Ranaghat, Nadia.

The petitioner contended that the petitioner was married with the opposite party on 22.01.2021 according to Christian rites and customs. The petitioner alleged that the opposite party and his parents used to abuse the petitioner and in almost every night the opposite party used to come in drunken condition and used to abuse her in filthy languages and when the

petitioner raised protest, she was physically assaulted by the opposite party. She further alleges that finally on 16.05.2022 opposite party and his parents had driven the petitioner from their house. Having no other alternative she has taken shelter at her father's house at Ranaghat within Nadia district. All of a sudden the opposite party/husband has instituted aforesaid suit for dissolution of marriage which is now pending in the court of learned Additional District Judge, 3rd Court at Barrackpore, North 24 Parganas. The petitioner submits that three other proceedings instituted by her, are pending in the court at Ranaghat, Nadia where the opposite party would be required to attend. She further submits that she is facing lot of inconveniences in attending the said proceeding at Barrackpore as she is unemployed and she has no means to bear the travelling and incidental expenses. Accordingly she has sought for aforesaid transfer.

Having considered the facts and circumstances of the case and that the distance involved between two places is about 140 kilometers in both ways and that three other proceedings initiated by the petitioner against opposite party is pending in Ranaghat court where the opposite party would be required to attend and that this is husband's suit for dissolution of marriage, and as such the wife/petitioner's convenience must be looked at and that the inconveniences faced by

a female in travelling to another station for pursuing matrimonial suit through public transportation in socio-economic situation prevailing in the country is much more than the inconvenience that might be faced by the husband/opposite party, the prayer made by the petitioner is allowed.

Learned District Judge, North 24 Parganas at Barasat is hereby directed to withdraw Matrimonial Suit No. 1379 of 2022 pending before the court of learned Additional District Judge, 3rd Court Barrackpore, North 24 Parganas and to transmit the same to the learned District Judge, Nadia, Krishnanagar within a period of three weeks from the date of communication of the order who in turn will transmit the same to the court of learned Additional District Judge at Ranaghat, Nadia having jurisdiction to try the said suit within a period of three weeks thereafter. The transferee court shall proceed from the stage where it reached till date and will serve fresh notice upon both the parties before proceeding further with the suit.

Since no affidavit in opposition has been asked to file by the opposite party, the allegations leveled by the petitioner in the application deemed to have not admitted by the opposite party.

CO 69 of 2023 is accordingly disposed of.

Department is directed to send a copy of this order to the learned District Judge, North 24 Parganas at Barasat and to the learned District Judge, Nadia at Krishnanagar.

(Ajoy Kumar Mukherjee, J.)