

Court No. 652

CO 82 of 2023

14.03.2023

(AD 290)

(S. Banerjee)

Smt. Piya Baug @ Piya Ankure

Vs.

Sri Barun Ankure

Mr. Subrata Bhattacharya

... for the petitioner

Affidavit of service filed by the petitioner is taken on record. In spite of service, the opposite party is not represented.

This is an application seeking transfer of Matrimonial Suit No. 403 of 2022, presently pending before the court of learned Additional District Judge, 1st Court, Bankura to the court of learned Additional District Judge, Paschim Bardhaman at Durgapur. The petitioner's case is that she was married with the opposite party on 07.03.2014 according to Hindu rites and customs. The petitioner alleged that due to inhuman physical and mental torture inflicted upon her, she was compelled to leave her matrimonial house and lodged a complaint before Budbud Police Station which is now pending in the court of learned Judicial Magistrate, Durgapur. The parties are blessed with a male child who is presently staying with the petitioner. All on a sudden the opposite party has filed aforesaid suit for dissolution of marriage which is now pending in

the court of learned Additional District Judge, 1st Court, Bankura.

Petitioner contended that the court at Bankura situates at a distance of 200 kilometers from the present residence of the petitioner. Petitioner is the custodian of a minor child and she is facing lot of inconveniences in travelling alone to attend the said proceeding at Bankura court. She further submits that opposite party's residence at Barjora, Bankura, is close to Durgapur Court and as such, if the petitioner's prayer for transfer is allowed, opposite party will have no cause to prejudice. Accordingly, she has sought for aforesaid transfer.

Having considered the facts and circumstances of the case and also considering the distance between two places, which is about 200 kilometers, and that the petitioner is the custodian of a minor child and that other criminal proceeding initiated by the petitioner is pending before Durgapur court where the opposite party would be required to attend and that the inconveniences caused to a female in travelling another station for pursuing her matrimonial suit, along with minor child in the socio-economic situations prevailing in the country, is much more than the inconveniences that might be caused to the opposite party and that this is husband's suit seeking dissolution of marriage and as

such the convenience of the petitioner must be looked at and considering all these the prayer made by the petitioner is allowed.

Learned District Judge, Bankura is hereby directed to withdraw Matrimonial Suit No. 403 of 2022 presently pending before the learned Additional District Judge, 1st Court, Bankura and to transmit the same to the court of learned District Judge, Paschim Bardhaman at Asansol within a period of three weeks from the date of communication of the order, who in turn will transfer the same to the court of learned Additional District Judge, Durgapur having jurisdiction to try the suit within a period of three weeks thereafter. The transferee court shall proceed from the stage where it had reached till date and the transferee court shall proceed further after giving fresh notice to both the parties intimating next date of hearing.

Department is directed to serve a copy of this order to the learned District Judge, Bankura and the learned District Judge, Paschim Barahdman at Asansol.

CO 82 of 2023 is accordingly disposed of.

(Ajoy Kumar Mukherjee, J.)