

S/L 238
27.02.2023
Court No.652
SD

CO 111 of 2023

Smt. Sangita Dutta (Kundu) @ Sangita Kundu
Vs.
Sri Saikat Dutta

Mr. Prasenjit Debnath
Ms. Punam Basu
Ms. Pritha Biswas

...for the Petitioner.

Mr. Gobinda Chandra Baidya
Mr. Gobinda Baidya

...for the Opposite Party.

Affidavit of service filed by the petitioner in court today be kept with the record.

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.1005 of 2022 from the Court of learned Additional District Judge, 10th Court, South 24 Parganas, Alipore to the Court of learned Additional District Judge, Nadia, at Nabadwip.

The petitioner contended that the petitioner was married with the opposite party in the year 2015. The petitioner alleged that on 19.5.2019 the opposite party/husband forced the petitioner to sign on some blank papers and thereafter forcefully driven her out from her matrimonial home. Since then the petitioner has been residing at her father's house at Kolerdanga Lane, P.O. & P.S. Nabadwip, Nadia.

The petitioner further alleged that being tortured at the hands of the opposite party/husband and her stridhan articles are forcefully taken away by him, the petitioner was

constrained to file a case under Section 23 of the Protection of Women from Domestic Violence Act before the court of learned Judicial Magistrate, Nadia at Nabadwip.

The petitioner submits that the court at Alipore situates at a distance of 250 kms. from her present place of residence and involves more than three hours journey. She does not have any independent source of income to meet the expenses as she is living at the mercy of her father who is a retired person.

The petitioner's father is suffering from Arthritis and is not in a position to move freely and as such, there is none to accompany the petitioner in her way to Alipore Court. Accordingly, petitioner has sought for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party submits that the proceeding under the Protection of Women from Domestic Violence Act has been instituted after filing of the aforesaid proceeding by the opposite party. However, he prayed that the case if required to be transferred, it should be transferred to such a place which would not be inconvenient to attend by either of the parties.

Having considered the aforesaid facts and circumstances of the case and also considering the distance involved between the two places and that the petitioner is an unemployed lady and that the present suit is husband's suit for dissolution of marriage, the wife's convenience must be looked at and considering all these and the balance of convenience and inconvenience in terms of geographic location and availability of public transportation, I find that

if the present proceeding is transferred to the court at Krishnagar, Nadia, neither party will face much inconvenience to face the trial.

Accordingly, learned District Judge, South 24 Parganas at Alipore is hereby directed to withdraw the Matrimonial Suit No.1005 of 2022 from the Court of learned Additional District Judge, 10th Court at Alipore and to transmit the case record to the Court of learned District Judge, Nadia at Krishnagar within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up further proceeding of the suit and the transferee court shall proceed with the suit at the stage where it reached till date.

Department is directed to send a copy of this order to the learned District Judge, South 24 Parganas at Alipore as well as learned District Judge, Nadia at Krishnagar immediately.

With these observations, C.O. 111 of 2023 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)