

28. 03. 2023

BP
Sl. 281
Court No. 652

C.O. 209 of 2023

Smt. Sucheta Kundu
Vs.
Sri Tanmoy Das

Mr. Rahul Agarwala
Ms. Simran Sureka
..for the petitioner

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. 313 of 2022 presently pending before the Court of learned Additional District Judge, 3rd Court, at Malda to the Court of learned District Judge, Dakshin Dinajpur, Balurghat.

The petitioner contends that the petitioner was married with the opposite party on 03.03.2016 and the parties are blessed with a female child. The petitioner alleged that the opposite party inflicted mental torture and forced the petitioner to leave the Government job she was doing and she was not even provided with sufficient food. Ultimately the opposite party ousted the petitioner from her matrimonial home and presently she is residing at her paternal house at Balurghat. The petitioner submits that the opposite party has filed aforesaid suit for dissolution of marriage being MAT

Suit No. 313 of 2022 which is pending in Court of learned Additional District Judge, 3rd Court, at Malda. The petitioner further submits that she has initiated a proceeding under Section 22 of the Special Marriage Act, being Mat Suit No. 217 of 2022 against the opposite party herein seeking restitution of conjugal rights, which is pending before learned District Judge, Dakshin Dinajpur at Balurghat and the opposite party would be required to attend in the said proceeding. The petitioner further submits that the distance in between her present place of residence and the court at Malda is about 110 kilometers in one way and she is facing lot of difficulties in attending the proceeding at Malda.

Having considered the facts and circumstances of the case that the suit for dissolution of marriage filed by the husband/opposite party herein is required to be heard along with the petitioner's said suit for restitution of conjugal rights pending before the court at Balurghat and that the distance involved between the two places is about 110 KM and that the inconveniences faced by a woman in traveling to another station for pursuing her matrimonial suit in the 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 is hereby directed to withdraw the Matrimonial Suit No. 313 of 2022 presently pending before the Court of learned Additional District Judge, 3rd Court, Malda and to transmit the same to the court of learned District Judge, Dakshin Dinajpur at Balurghat within a period of three weeks from the date of communication of the order. Learned District Judge, Dadshin Dinajpur, Balurghat will conduct analogous hearing of the present suit along with the petitioner's suit being Matrimonial Suit No. 217 of 2022 pending before the same court and will make every endeavour for expeditious disposal of both the suits.

C.O. 209 of 2023 is accordingly disposed of. The department is directed to send a copy of this order to the learned District Judge, Dakshin Dinajpur, Balurghat and the learned District Judge, Malda immediately.

(Ajoy Kumar Mukherjee, J.)

