

Item No. 6
05.07.2023
Court. No. 19
GB

C.O. 214 of 2023

Binny Gupta
Vs.
Sunny Gupta

*Mr. Vivekananda Bose,
Mr. Ratikanta Pal*

... for the Petitioner.

*Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K.R. Ahmed,
Mr. Rudranil Das,
Mr. Soumava Santra*

... for the Opposite Party.

Affidavit-in-opposition and affidavit-in-reply filed in Court today, be kept with the record.

The wife/petitioner, seeks transfer of Matrimonial Suit No.1313 of 2022, pending before the learned Additional District Judge, 4th Court at Howrah to the Court of learned District Judge at Asansol, Paschim Bardhaman.

It is submitted that other proceedings are pending within the jurisdiction of Asansol and it would be difficult for the wife to undertake an arduous journey to contest the matrimonial suit at Howrah. The minor child is also residing with the petitioner. The petitioner would find it extremely difficult to travel by herself as there was none to accompany her. It is further submitted that the petitioner feels insecure to travel to Howrah. There are allegations of physical and mental torture against the husband.

Having considered the distance the wife has to travel and having considered the fact that the minor child is with

the petitioner/wife, as also the allegations of physical and mental torture which have been levelled, this Court is of the view that it would be prudent to transfer the Matrimonial Suit No.1313 of 2020 to a court outside the jurisdiction of the husband's place of residence. The other ground for transfer that proceedings are already pending before the Asansol court, is noted. The convenience of the wife is taken into consideration. The Court deems it fit to transfer the matter to a place which is not too inconvenient for the husband as well.

Considering the factual aspects with regard to the inconvenience of the husband, who has to travel a lot on account of his service and the fact that his ageing father has to look after the pending litigation, a place which is midway for both the parties would be suitable for adjudication of the matrimonial suit.

Thus, this Court directs the learned District Judge Howrah, to transfer Matrimonial Suit No.1313 of 2022 which is pending before the learned Additional District Judge, 4th Court at Howrah along with the misc. case arising out of an application for maintenance pendente lite filed by the wife to the Court of the learned District Judge, Purba Bardhaman (Bardhaman town) for disposal. Bardhaman town is equidistant from Howrah and Asansol. It is midway and the travel time would be much less for the wife.

The transferee court shall issue notice to the parties, upon receipt of the records and thereafter the suit shall proceed in accordance with law.

Accordingly, C.O. 214 of 2023 is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)