

S/L 250
24.4.2023
Court No.652
SD

CO 232 of 2023

Anannya Biswas nee Dutta
Vs.
Sri Tridiv Biswas

Mr. Asis Bhattacharyya

...for the Petitioner.

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

The opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No.2480 of 2022 from the Court of learned Additional District Judge, Barrackpore to the Court of learned District Judge, Howrah.

The petitioner contended that the petitioner was married with the opposite party. The petitioner alleged that since inception of the marriage, the opposite party was treating her with frequent insult behaviour and also used to inflict physical and mental torture upon her. Finding no other alternative, the petitioner deserted her matrimonial house on 17.8.2020. She lodged criminal complaint at the Amherst Street Police Station.

The petitioner submits that she is an unemployed lady and for which she has initiated a proceeding under Section 125 of the Code of Criminal Procedure which is now pending before the learned Chief Judge, Family Court at Calcutta. The petitioner submits that all of a sudden, the opposite

party has instituted aforesaid suit seeking dissolution of marriage which is now pending in the Barrackpore court.

She further submits that she is residing presently at Howrah and the court at Barrackpore situates at a distance of about 62 kms. in both ways from her present place of residence and as such she is facing difficulty both physically and financially to attend the said proceeding at Barrackpore court. She further alleged that the opposite party and her family members are threatening her not to contest the said suit pending at Barrackpore court and she is apprehending physical harassment, if she is compelled to attend at Barrackpore court. Accordingly, she has sought for aforesaid prayer for transfer.

Having considered the facts and circumstances of the case and the distance involved between the two places and that this is husband's suit seeking dissolution of marriage and for which convenience of the petitioner must be looked at and that the inconveniences caused to a woman in travelling to another place for pursuing her matrimonial suit through public transportation in the socio-economic situation prevailing in the country, is much more than the inconveniences that might be caused to the husband/opposite party, and that our constitutional scheme provides for guaranteeing special provisions for women and children and also for equal access to justice the prayer for transfer is allowed.

Accordingly, learned District Judge, North 24 Parganas at Barasat is hereby directed to withdraw the

Matrimonial Suit No.2480 of 2022 from the Court of learned Additional District Judge, Barrackpore and to transmit the case record to the Court of learned District Judge, Howrah 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, North 24 Parganas at Barasat as well as learned District Judge, Howrah immediately.

With these observations, C.O. 232 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.)