

26.07.2023
Court No. 19
Item no. 141
CP

C.O. 306 of 2023

Jayashree Laha
Vs.
Nirmalendu Mandal

Mr. Malyasree maity
....for the petitioner.

Mr. Manojit Bhattacharya
.....for the opposite party.

This is an application for transfer of Matrimonial Suit No. 107 of 2022 which has been filed by the husband, under Section 9 of the Hindu Marriage Act, 1955 along with Misc. Case No. 4 of 2022 filed under Section 26 of the Hindu Marriage Act, from the court of the learned Additional District Judge, (1st Court), Jhargram to the court of the learned Additional District Judge, Bishnupur at Bankura. The wife has prayed for transfer on the following grounds:

- a) The Matrimonial Suit for dissolution of marriage, is pending before the learned Additional District Judge, 1st Court at Bishnupur.
- b) The wife is a working lady and it is difficult for her to travel long distances to contest the suit.

c) The child resides with the mother at Bishnupur and an application for custody and interim visitation is pending at Jhargram. It would be inconvenient to take the child to Jhargram Court.

The husband submits that the wife attends a school close to Jhargram and also has a residential accommodation at Jhargram.

Having considered the problems faced by the wife, this court is of the view that Matrimonial Suit No. 107 of 2022 along with the Misc. Case should be transferred to a court which is closer to the wife's permanent residence.

The District Judge, Jhargram is directed to transfer Matrimonial Suit No. 107 of 2022 along with the pending application to the District Judge, at Paschim Medinipur. The District Judge, Paschim Medinipur shall assign the Matrimonial Suit No. 107 of 2022 to any Judge of competent jurisdiction within Medinipur Court. The entire exercise shall be completed within a month from communication of this order.

The said suit shall proceed in accordance with law before the transferee court. The learned transferee court shall issue notices upon the respective parties, upon receipt of the case records.

The revisional applications are accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)