

S/L 252
24.4.2023
Court No.652
SD

CO 337 of 2023

Smt. Rita Khan (Garai)

Vs.

Sri Santanu Garai

Ms. Sreemoyee Mukherjee

Mr. Kuntal Banerjee

...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.612 of 2021 from the Court of learned Additional District Judge, 3rd Court at Paschim Medinipur to the Court of learned Additional District Judge, Khatra, Bankura.

The petitioner contended that the petitioner was married with the opposite party on July 5, 2018. The petitioner alleged that sometime after marriage, she became the victim of physical and mental torture caused by her husband as well as by her in laws during her stay at matrimonial house. She further alleged that she was ousted from her matrimonial house forcefully on June 28, 2021.

All of a sudden, the opposite party has instituted aforesaid suit seeking dissolution of marriage which is now pending in the court of learned Additional District Judge, 3rd Court at Paschim Medinipur. The petitioner submits that she is facing lot of inconveniences in attending the said

proceeding at Paschim Medinipur as there is nobody to accompany her.

The petitioner further submits that she belongs to poor family and the petitioner's mother is a daily labourer and her father is a mental patient and being a tender aged woman of a restricted family she is unable to move such a distant place without assistance of any person in order to attend the said proceeding at Paschim Medinipur court, which situates at a distance of almost 40 kms. from her present place of residence.

She apprehends that her witnesses are local and as such she may not be able to bring the witnesses before Medinipore court. She also apprehends that due to her failure to give instruction to the learned advocate, she might not get justice from the said court and accordingly, she has sought for aforesaid transfer.

Having considered the facts and circumstances of the case and the distance involved between the two places and also considering the balance of convenience and inconvenience of both the parties, in terms of geographic location and availability of public transportation, I find that if the case is transferred in the court of learned District Judge, Bankura then neither party will face much inconveniences in attending the said proceeding.

Accordingly, in the interest of equal access to justice, learned District Judge, Paschim Medinipur is hereby directed to withdraw the Matrimonial Suit No.612 of 2021 from the Court of learned Additional District Judge, 3rd

Court at Paschim Medinipur and to transmit the case record to the Court of learned District Judge, Bankura 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, Paschim Medinipur as well as learned District Judge, Bankura immediately.

With these observations, C.O. 337 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.)