

22.3.2023
226
Ct. no. 652
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**RVW 32 of 2023
With
CAN 1 of 2023
In
C.O. 1961 of 2022**

**Sri Subhayan Sil
Vs.
Smt. Moumita Sil nee Das**

Mr. Samiran Giri
Mr. Pinaki Bhattacharya
Mr. Amartya Mohan Bhattacharya
...for the Petitioner

Mr. Sudip Ghosh Chowdhury
...for the opposite party

This is a review application in connection with the order passed by this court on 10.1.2023.

By the impugned order, this court was pleased to transfer the matrimonial suit being no. 1077 of 2022 presently pending before the court of learned Additional District Judge, 7th Court, Alipore, South 24 parganas to the court of learned Additional District Judge, Serampore, Hooghly.

The petitioner in the review application, submits that the opposite party has made a submission before the court that his client is suffering from Vertigo and as such he is not in a position to travel for a long distance but in the order, at page 2, it has been noted that the petitioner/wife is suffering from Vertigo which is not

correct and accordingly he has prayed for review of the aforesaid order and/or to transfer the case at Howrah court.

Learned counsel for the opposite party raised objection and contended that the settled principle of law is that where the husband has filed a suit for dissolution of marriage, the convenience of the wife must be looked at. Accordingly, there is no substance in the review application which is liable to be rejected.

Having considered the submissions made by both the parties, it appears to me that no observation has been made by this court while passing the order as regards the suffering of vertigo by either of the parties. Order was passed on the basis of the observation that the petitioner is suffering from various ailments and she is custodian of minor child and two other proceedings have been initiated in the Serampore court, where the opposite party would be required to attend and the distance factor and that in such cases, the convenience of the wife would be of paramount importance and also considering the travelling hazards likely to be faced by a woman for pursuing the matrimonial suit to another station.

Accordingly, I do not find any substance in the review application. The review application being RVW 32 of 2023 is dismissed.

Pending application, if any, also stands disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)