

S/L 280
17.4.2023
Court No.652
(Susanta)

CO 524 of 2023

Rubina Khatun
Vs.
Sekh Rafikul Alam

Ms. Sormi Dutta

...for the Petitioner.

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

In spite of service opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.40 of 2022 pending before the Court of learned Civil Judge (Junior Division), Purba Burdwan to the Court of learned Civil Judge, Hooghly at Chinsurah.

The petitioner contended that she was married with the opposite party on November 14, 2021 under the Islamic Shariyat Law.

The petitioner alleged that she was subjected to humiliation on the ground that the ornaments and the other articles given at the time of marriage were of inferior quality.

She further alleged, with the passing of days the physical and mental torture increased by leaps and bounds and ultimately she was compelled to come back to the house of her sister and brother-in-law, where presently she is residing. She has initiated a criminal proceeding which is

now pending before the learned Magistrate at Chinsurah, Hooghly.

She has also initiated a proceeding under the provision of Protection of Women from Domestic Violence Act which is also pending before the Court of learned Magistrate, Hooghly at Chinsurah.

All of a sudden she has received summon of aforesaid suit for restitution of conjugal rights which is now pending in the court of learned Civil Judge (Junior Division), 2nd court Purba Burdwan.

The petitioner contended that her father has abandoned her and her mother died and she is a student of Chinsurah Girls College and unable to bear the expenses in order to attend the said proceeding at the Court of Purba Burdwan.

The petitioner further submits that the Court at Purba Burdwan situates at a distance of 70 kms. from her present place of residence and she is facing lot of inconveniences in attending the said proceeding at Burdwan court since, there is no one to accompany her on her way to Burdwan Court. 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 that the petitioner has already initiated two proceedings in the Chinsurah court, where the opposite party would be required to attend and that she is a student of Chinsurah Girls College and that the inconvenience caused to a female in travelling to another station for pursuing her matrimonial suit through public transportation is much

more than the inconveniences that might be faced by the opposite party and considering all these the prayer made by the petitioner is allowed.

Learned District Judge, Purba Burdwan is directed to withdraw the Matrimonial Suit no. 40 of 2022 pending before the Court of learned Civil Judge (Junior Division), Purba Burdwan and to transmit the same to the District Judge, Hooghly at Chinsurah, who in turn will transfer the said suit for disposal to a competent Civil Judge having pecuniary jurisdiction at Chinsurah to try the same within a period of three weeks thereafter.

The transferee Court shall proceed further after serving a fresh notice upon both the parties intimating the next date of hearing and will proceed from the stage where it reached till date.

With these observations, C.O. 524 of 2023 is disposed of.

The department is directed to send a copy of this order to the learned District Judge, Hooghly at Chinsurah and Learned District Judge Purba Burdwan at Burdwan immediately.

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.)