

11.04.2023

CO 381 of 2021
With
CAN 1 of 2022
Pampa Sengupta
Vs.
Souradeepto Sengupta

Mr. Arjun Basu

... .. for the petitioner

Mr. Kalyan Kumar Chakraborty

Mr. Kasinath Bhattacharya

Mr. Ashok Halder

... .. for the opposite party

Affidavit of service filed by the petitioner is taken on record.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No. 562 of 2020 pending before the Court of learned District Judge, Paschim Bardhaman at Asansol to the Court of learned District Judge, South 24-Parganas at Alipore.

The petitioner contended that the petitioner married with the opposite party on 29th February, 2016 according to Hindu Rites and Customs. The petitioner alleged that she was subjected to mental cruelty and harassment during her stay at her matrimonial house and despite her efforts to have a peaceful matrimonial life, the situation got deteriorated day by day and ultimately she received summon of the aforesaid suit which is now pending in the Court of learned District Judge, Paschim Bardhaman at Asansol. The petitioner is very much eager to contest the said suit but she being a working woman and since her other brothers are connected with job elsewhere, she

is facing much difficulties in attending the said proceeding at Asansol.

She further submits that she holds responsible post and it is not possible for her to take leave from such responsible post every now and then and she also feels insecure to go to Asansol alone in order to contest the said suit. Furthermore, her parents are senior citizens and also suffering from various ailments and she has to take care of her parents regularly and in support of the same she has annexed some medical papers. Accordingly, she has sought for aforesaid transfer.

Learned counsel appearing for the opposite party submits that the opposite party is not working in any reputed institute as alleged by the petitioner. Moreover, his mother is seriously ill and is undergoing treatment by the local doctors and as such it would not be possible for him to go to Kolkata at a regular interval in order to contest the said suit. Accordingly, he has opposed the prayer for transfer. However, he submits that considering the convenience and inconvenience of both the parties, the case may be transferred at a place which situates in between the two places so that neither party will face any inconvenience to proceed with the suit.

I have considered the submissions made by both the parties.

In view of 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, I think if the case is transferred to the Court of learned District Judge, Hooghly at Chinsurah neither party will face much inconvenience in attending the said proceeding.

In view of above, learned District Judge, Paschim Bardhaman at Asansol is hereby directed to withdraw the Matrimonial Suit No. 562 of 2020 presently pending before the Court of learned District Judge, Paschim Bardhaman at Asansol and to transmit the same to the Court of learned District Judge, Hooghly at Chinsurah within a period of three weeks from the date of communication of the order.

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

The transferee Court shall made every endeavour for expeditious disposal of the suit and to conclude the entire proceeding preferably within a period of ten months from the date of communication of the order.

The department is directed to send a copy of the order of the learned District Judge, Paschim Bardhaman at Asansol and learned District Judge, Hooghly at Chinsurah.

Accordingly, C.O. 381 of 2021 is disposed of.

Connected application is also disposed of.

(Ajoy Kumar Mukherjee, J.)