

August 31, 2023
Sl. No.12
Court No.19
s.biswas

CO 617 of 2023
Smt. Priyanka Roy
vs.
Sri Rajib Kumar Bala

Ms. Shohini Chakraborty
Ms. Prajaaini Das

... for the petitioner

Mr. Tanmay Biswas
Mr. Amit Ray

... for the opposite party

This application has been filed for transfer of the Matrimonial Suit No.96 of 2022, which is pending before the learned Additional District Judge, 1st Court at Islampur, Uttar Dinajpur to the court of the learned Additional District Judge at Gangarampur, Dakshin Dinajpur.

It is submitted that the wife finds it extremely difficult to travel such a long distance with her minor child.

The learned advocate for the opposite party/husband submits that he is a teacher and resides at Dalkhola. There is no direct communication between Dalkhola and Gangarampur and it would be extremely difficult for the husband to maintain his job and travel such a long and complicated route.

The learned advocate for the wife further submits that other proceedings are pending at Gangarampur and hence it should not be difficult for the husband to attend one more proceeding.

Having heard the learned advocates for the respective parties, this court is of the view that just because two proceedings are pending at Gangarampur, the convenience of the husband should not be looked into.

Under such circumstances, this court is of the view that a central location, mid-way would be convenient for both the parties.

Thus, this court deems it fit to direct the learned District Judge, Uttar Dinajpur to withdraw the suit from the court of the Additional District Judge at Islampur and to either hear the matrimonial suit himself or assign it to any other court of competent jurisdiction at Raiganj. The entire exercise shall be completed within a period of one month from the communication of this order. The transferee judge, upon receipt of records, shall issue notices upon the respective parties and proceed with the adjudication.

The revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)