

S/L 196
09.01.2023
Court No.652
SD

CO 416 of 2021

Smt. Debolina Mukherjee
Vs.
Sri Ranabir Mukherjee

Mr. Atanu Biswas
Mr. Bikram Basak

...for the Petitioner.

Mr. Debojit Mukherjee
Mr. Sanjib Mitra
Mr. Rajesh Kumar Shah

...for the Opposite Party.

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.566 of 2020 pending before the Court of learned Additional District Judge, First Court, Serampore, Hooghly to the Court of learned Additional District Judge, Kalna, Purba Burdwan.

The petitioner contended that the petitioner was married with the opposite party in accordance with Hindu rites and customs on December 1, 2019. The petitioner alleged that the opposite party and his mother demanded Rs.7 lakh and when she has disclosed her inability to fulfill such huge demand, the opposite party and the in laws of the petitioner increased physical and mental torture upon the petitioner.

It is further alleged by the petitioner that on April 7, 2020 at about 1:00 p.m. the opposite party and his near relatives had mercilessly beaten the petitioner and allegedly

tried to throw her from the roof. The opposite party and his family members also threatened to kill her. In the above backdrop, opposite party has filed the aforesaid suit for dissolution of marriage before the learned Additional District Judge, 1st Court at Serampore.

The petitioner submits that she has already initiated criminal proceeding against the opposite party under Sections 498A/325/406 of the Indian Penal Code which is now pending before the learned ACJM, Kalna. The petitioner has also initiated another two proceedings one under Section 125 of the Code of Criminal Procedure and the other under Section 12 of the Protection of Women from Domestic Violence Act and the said cases are also pending before learned ACJM, Kalna.

The petitioner further contended that she want to contest the said matrimonial suit pending before the learned Additional District Judge, Serampore, but in order to attend Serampore court the petitioner has to start journey from her parental house to Pindira Bus Stand by auto rickshaw which is at a distance of about 3 kms. Thereafter, she has to travel to reach Ambika Kalna railway station, by bus and from Ambika Kalna railway station the petitioner has to travel 61 kms by train to reach Serampore station. The petitioner is not acquainted with such hectic journey and it has become difficult for the petitioner to attend the said court in order to contest the said proceeding. Accordingly, she has sought for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party raised objection against the aforesaid prayer for transfer and contended that all the three proceedings are the counter-blast of the matrimonial suit initiated by the opposite party and that the parties had tried to settle their dispute through mediation, but mediation could not succeed as the petitioner herein demanded huge amount of money for final adjustment.

Considered the submissions made by both the parties.

In view of the facts and circumstances of the case and that the distance involved between the two places that is the Court at Serampore and the petitioner's present place of residence which is about 78 kms. and that other three proceedings initiated by the petitioner is pending before the Court at Kalna where the opposite party would be required to attend and that in such a situation where the opposite party/husband has filed a suit for dissolution of marriage the convenience of the petitioner is of paramount importance and that inconvenience caused to a female in travelling to another place for perusing a matrimonial case in socio-economic situation prevailing in country is much more than inconvenience caused to the opposite party/husband, the prayer made by the petitioner is allowed.

Accordingly, learned District Judge, Hooghly at Chinsurah is hereby directed to withdraw the Matrimonial Suit No.566 of 2020 presently pending before the Court of learned Additional District Judge, First Court, Serampore,

Hooghly and to transmit the case record to the Court of learned District Judge, Purba Burdwan at Burdwan Sadar within a period of three weeks from the date of communication of the order and the learned District Judge, Purba Burdwan will transfer the said case to the Court of learned Additional District Judge, Kalna having jurisdiction to try the aforesaid suit within a period of three weeks thereof.

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.

The opposite party will be at liberty to pray before the transferee court for consolidation of dates with other proceedings pending against the opposite party before the Kalna Court. The transferee court is also requested to make every endeavour for expeditious disposal of the matrimonial suit preferably within a period of one year from the date of communication of the order.

Department is directed to serve a copy of this order to the learned District Judge, Purba Burdwan at Burdwan Sadar as well as the learned District Judge, Hooghly at Chinsurah.

With these observations, C.O. 416 of 2021 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.)