

S/L 294
16.5.2023
Court No.652
SD

CO 705 of 2023

Paulami Tewari @ Poulami Tewari
Vs.
Sri Pritam Saha

Mr. Saptarshi Chakraborty

...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 seeking transfer of Matrimonial Suit No.1881 of 2022 from the Court of learned Additional District Judge, 3rd Court, North 24 Parganas at Barasat to the Court of learned Additional District Judge, Hooghly at Serampore.

The petitioner contended that the petitioner was married with the opposite party on 16.02.2020 under the provision of Special Marriage Act, 1954. The petitioner further submits that she is presently residing at her father's house at Uttarpara. She further submits that the opposite party/husband has filed aforesaid suit for a decree of nullity of marriage under Section 25(i) of the Special Marriage Act, 1954 which is now pending in the court at Barasat.

The petitioner submits, since the petitioner does not have financial capacity of her own and she has to depend upon her aged father, it has now become impossible for her to travel to Barasat in order to contest the said proceeding. She further alleged that in the month of January 2023, the

opposite party along with some other men threatened the petitioner with dire consequences over telephone who asked her not to attend the court proceeding, so that he can smoothly obtain ex parte decree from the court below.

The petitioner further submits that court at Barasat situates at a distance of 25 kms. from her present place of residence and the said place is not directly connected by rail. She does not have any other male member in her family who can accompany her on her way to Barasat. Accordingly, petitioner has sought for aforesaid transfer.

Having considered the facts and circumstances of the case and that the petitioner is an unemployed lady and that this is husband's suit praying for declaration of nullity of marriage, the wife's convenience must be looked at and that the inconveniences caused to a woman in travelling to another place for pursuing her matrimonial suit, through public transportation in the socio-economic situation prevailing in the country, is much more than the inconveniences that might be caused to the husband/opposite party, the prayer for transfer is allowed.

Accordingly, learned District Judge, North 24 Parganas at Barasat is hereby directed to withdraw the Matrimonial Suit No.1881 of 2020 from the Court of learned Additional District Judge, 3rd Court at Barasat and to transmit the case record to the Court of learned District Judge, Hooghly at Chinsurah within a period of four weeks from the date of communication of the order, who in turn will transfer the same to the court of learned Additional

District Judge, Hooghly at Serampore, having jurisdiction to try the suit within a period of four weeks thereafter.

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 and the transferee court shall proceed with the suit at the stage where it reached till date.

Since no affidavit has been sought for from the opposite party, the allegations leveled in the application are deemed to have not been admitted by the opposite party.

Department is directed to send a copy of this order to the learned District Judge, North 24 Parganas at Barasat as well as learned District Judge, Hooghly at Chinsurah immediately.

With these observations, C.O. 705 of 2023 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.)