

26.07.2023

**CO 926 of 2020**

**Smt. Mithu Mondal  
Vs.  
Madhab Mondal**

Mr. Milan Kumar Maity  
Mr. Suranjan Mandal

... .. for the petitioner

Mr. Sandip Das

... .. for the opposite party

The petitioner prays for transfer of Matrimonial Suit No.38 of 2019 which is pending before the learned Additional District Judge, Uluberia at Howrah to the Court of the learned Additional District Judge, Alipore, South 24-Parganas.

It is contention of the petitioner that she resides close to the Alipore Court. It would be convenient for her to attend the proceedings there. It is further submitted that in order to reach the Court at Uluberia the petitioner has to travel almost 130 kilometers per day. There was no direct communication.

Learned advocate for the opposite party submits that the petitioner works at a school at Domjur and it would not be difficult for her to attend Uluberia Court. It is further submitted that the opposite party/husband resides at Kolaghat and travelling to the Alipore would be difficult for the husband.

Under such circumstances, this Court is of the view that a place which is convenient for both the parties should be fixed.

Having heard the learned advocates for respective parties, this Court is of the view that justice would subsist if parties have to travel a minimum distance, in order to attend the suit.

The learned District Judge at Howrah is directed to withdraw Matrimonial Suit No.38 of 2019 which is pending before the learned Additional District Judge, Uluberia at Howrah and assign the same to any Court of competent jurisdiction, situated within the jurisdiction of Howrah and at the Howrah court complex.

The transferee court shall issue notice to the parties, upon receipt of the records and thereafter the suit shall proceed in accordance with law. The entire exercise should be completed preferably within a month from communication of this order.

Accordingly, C.O. 926 of 2020 is disposed of.

However, there shall be no order as to costs.

Parties to act on a server copy of this order.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

**(Shampa Sarkar, J.)**