

Item No. 4
04.08.2023
Court. No. 19
GB

C.O. 1078 of 2023

Mona Debnath (Das)
Vs.
Benoy Das

Mr. Raja Biswas

...for the Petitioner.

Ms. Jeenia Rudra

...for the Opposite Party.

The wife has prayed for transfer of matrimonial Suit No.139 of 2018, which is pending before the learned District Judge, Cooch Behar to any other court of competent jurisdiction, within the district of Dakshin Dinajpur.

The petitioner submits that she resides at Buniyadpur, which is a village within the district of Dakshin Dinajpur and has to travel more than 350 kms. in order to reach Cooch Behar. It is difficult for her to stay overnight at Cooch Behar as there is no one to accompany her. The living conditions/hotels are not safe for a single lady at Cooch Behar.

Hence, such application for transfer has been filed. It is further submitted that a minor child resides with the petitioner. It is also difficult to leave behind the child to attend the court on a regular basis.

The learned advocate for the husband opposes such prayer and submits that the husband resides at Cooch Behar and it is not possible for the husband to travel to Dakshin Dinajpur on a regular basis, either.

Having considered the inconvenience of both the parties, this Court is of the view that the suit should be

transferred to a place which is equidistant for both the husband and the wife and where the living condition, hotel, etc., are better and time taken for travel is also reduced considerably, for both. There should be direct modes of communication. Thus, the suit should be transferred to a court of competent jurisdiction at Siliguri.

Under such circumstances, the learned District Judge, Cooch Behar is directed to transfer the Matrimonial Suit No.139 of 2018 to the court of the learned District Judge, Darjeeling. The learned District Judge, Darjeeling shall send the records and assign the matter to any Additional District Judge at Siliguri of competent jurisdiction. The learned Additional District Judge at Siliguri, to whom the case shall be assigned, shall issue notices to both the parties and thereafter proceed with the suit in accordance with law.

This Court has not gone into the merits of the claims and counter-claims of the parties.

The learned court below shall act independently and dispose of the matter expeditiously.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)