

S/L 185
30.01.2023
Court No.652
SD

CO 1089 of 2022
With
CAN 1 of 2022

Antika Mitra
Vs.
Dipsankar Sinha

Mr. Saikat Mondal
Mr. Abhishek Bhandari

...for the Petitioner.

Affidavit of service and affidavit-in-opposition to the vacating application filed by the petitioner be kept with the record.

Opposite party is not represented.

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.22 of 2022 pending before the Court of learned Additional District Judge, Fast Track Court at Baruipur, South 24 Parganas to the Court of learned Additional District Judge, Serampore, Hooghly.

The petitioner contended that the petitioner was married with the opposite party under the Special Marriage Act on 04.9.2016 according to Hindu rites and customs. The petitioner alleged that she was subjected to torture by the opposite party and his family members during her stay at her matrimonial home and she was allegedly pressurized by the opposite party and his family members for payment of Rs.3 lakhs from the widowed mother of the petitioner and when

the petitioner failed to fulfil their demand, the opposite party and his family members had assaulted her and opposite party and his family members allegedly tried to strangle her.

The petitioner had lodged a complaint before the learned ACJM at Serampore which is pending in the said court. The petitioner being an unemployed lady has also filed an application under Section 125 of the Code of Criminal Procedure which is pending before the learned Judicial Magistrate, 5th Court, Serampore. Suddenly, the opposite party has initiated aforesaid suit for dissolution of marriage which is now pending before the learned Additional District Judge, Fast Track Court at Baruipur, South 24 Parganas.

The petitioner submits that the distance involved in between her present residence and the Baruipur Court is about 100 kms. and she is unable to bear the ordeal of travelling a journey of more or less 100 kms. by a local train since she is not an outgoing lady. Moreover, in order to reach said court at 10 a.m., she is required to leave her home at 6 a.m. The petitioner also submits that she has no relative or friend at Baruipur who can accommodate her and the petitioner has no means to spend night in a guest house or lodge. Accordingly, she has sought for aforesaid transfer.

In view of the facts and circumstances of the case and considering the distance involved between two places and that two other proceedings are pending in Serampore Court

where the opposite party would be required to attend and that in such cases where the husband has filed a suit for dissolution of marriage, the convenience of the petitioner is of paramount importance and that the inconvenience caused to a female in travelling another places for pursuing her suit for dissolution of marriage in the socio-economic situation of our country is much more than inconvenience caused to husband/opposite party, the prayer made by the petitioner is allowed.

Accordingly, learned District Judge, South 24 Parganas at Alipore is hereby directed to withdraw the Matrimonial Suit No.22 of 2022 presently pending before the Court of learned Additional District Judge, Fast Track Court at Baruipur and to transmit the case record to the Court of learned District Judge, Hooghly at Chinsurah within a period of three weeks from the date of communication of the order who in turn will transfer the same to the Court of learned Additional District Judge, Serampore having jurisdiction to try the suit.

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.

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

With these observations, C.O. 1089 of 2022 along with the connected application 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.)