

Item No. 16
30.06.2023
Court. No. 19
GB

C.O. 1249 of 2023

Smt. Susmita Acharya
alias Susmita Acharya Chakraborty
Vs.
Gopal Chakraborty

Ms. Koushikee Banerjee

... for the Petitioner.

Mr. Manas Kumar Das

... for the Opposite Party.

The petitioner/wife seeks transfer of Matrimonial Suit No.102 of 2012, which is pending before the learned Additional District Judge, Kandi, Murshidabad to the court of the learned Additional District Judge, Katwa. The ground for transfer is that the distance between Katwa and Kandi being excessive it was not possible for her to travel to Kandi on a regular basis, leaving behind her daughter and ailing parents.

It is further submitted that there was no direct communication between Kandi and Katwa. Hence, the wife faces extreme hardship to reach the court on the days the suit is being taken up.

Mr. Das, learned advocate appearing on behalf of the husband submits that several criminal cases are pending against the husband in Katwa and the husband feels insecure to go to Katwa on a regular basis. It is further submitted that the husband would also have to undertake unnecessary trouble if he has to reach Katwa from Kandi.

Considering the fact that even though the distance between Katwa and Kandi may not be vast, the travel situation is difficult, this Court is of the view that an alternative place which is better connected should be fixed for adjudication of the suit.

Accordingly, the learned District Judge, Murshidabad is directed to transfer the Matrimonial Suit No.102 of 2012 to the court of the learned District Judge, Purba Bardhaman and the learned District Judge, Purba Bardhaman is directed to dispose of the matrimonial suit himself. The transferee court shall issue notices upon receipt of records to both parties. The suit shall proceed strictly in accordance with law.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)