

July 3, 2023
Sl. No.5
Court No.19
s.biswas

CO 1284 of 2023

Juthika @Joythika Das
vs.
Subhendu Das

Mr. Sujay Chakraborty
Ms. Shashwati Bhattacharjee

... for the petitioner

Affidavit of service filed by the petitioner is taken on record.

Despite service, none appears on behalf of the opposite party/husband.

The petitioner is a mother, who is contesting the Judicial Misc. (Act VIII) Case No.05 of 2023, which is pending before the Learned District Judge, Bankura. The petitioner has filed an application for transfer of the said Act VIII case from the court of learned District Judge, Bankura to the court of learned District Judge, Hooghly. According to the petitioner, there are good grounds for transfer of the proceeding. The proceedings under the Domestic Violence Act is pending in Serampore. The distance between Serampore and Bankura is more than 250 kilometers. It is impossible for the petitioner to undertake such a long journey regularly to contest the suit with her minor children. The husband is a resident of Bishnupur and is a local inhabitant. He had threatened the petitioner on occasions and had physically and mentally tortured her during her stay

at the matrimonial home. An FIR was lodged and a criminal case had been registered.

It is submitted that the husband is not paying any money despite orders passed in the proceedings under the Domestic Violence Act. A distress warrant has been issued.

Having considered the financial crisis of the petitioner, nature of difficulties faced on amount of the long journey as also the safety and security of the petitioner, this court holds that the proceedings should be transferred to a competent court closer to Serampore, yet convenient to both parties, but primarily outside the jurisdiction of the husband's place of residence.

Hence, considering the facts stated above and the fact that transfer of the case to the court of learned District Judge, Purba Bardhaman would not cause severe hardship to the husband, this order is being passed. The place is more or less equidistant for both

Hence, it is directed that the learned District Judge, Bankura shall transfer the Judicial Misc. (Act VIII) Case No.05 of 2023 to the court of learned District Judge, Purba Bardhaman. The learned District Judge, Purba Bardhaman, shall dispose of the said proceedings. Upon receipt of the records, notices shall be issued to the parties.

This court has not gone into the merits of the pending litigation and the learned court shall decide the matter in accordance with law.

The application is thus disposed of.

All the parties are directed on the basis of the server copy of the order.

(Shampa Sarkar, J.)