

7.2.2023  
171  
Ct. no. 652  
sb

**C.O. 1504 of 2022**

**Surajit Ghosh**  
**Vs.**  
**Ankita Ghosh**

Mr. Dipendra Nath Bose      ...for the petitioner

Mr. Rwitendra Banerjee  
Mr. Shibasis Chatterjee      ...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of the Matrimonial suit being no. 210 of 2022 pending before the court of learned Additional District Judge, Bangaon, North 24 parganas to the court of learned District Judge, Howrah.

The petitioner contended that the petitioner was married with the opposite party on 22<sup>nd</sup> January, 2022 according to Hindu Rites and Customs. The petitioner alleged that after few days of marriage, wife/opposite party used to frequently left her matrimonial house and most of the time used to stay at her paternal house and on being asked she used to pick up quarrel with petitioner and other family members. On 4<sup>th</sup> December,, the petitioner herein went to his in-laws house to take back wife, but she refused to come back. Petitioner again on 28.6.2021 went his in -laws's house to take her back, but she refused to return and ultimately filed aforesaid suit for dissolution of marriage. Petitioner further states

that distance from petitioner's residence at Howrah and the court at bongaon is about 86 kilometres and it involves 8 hours to and fro journey and for which petitioner/husband is not in a position to attend the court at Bangaon and balance of inconvenience is in favour of the petitioner(husband) to transfer aforesaid proceeding. The petitioner further submits that the court at Bangaon situates far away from his present residence and he is facing lot of inconvenience in attending the said court at Bangaon as there is no direct communication from Howrah to Bangaon.

Learned counsel for the opposite party vehemently opposed the prayer for aforesaid transfer and contended that the opposite party is an unemployed lady and belongs to a poor family. She is being represented by lawyer appointed from Legal Service authority and she has no means to travel from Howrah to Bangaon court, if the prayer for transfer is allowed.

Referring the judgment of N.C.V Aishwarya Vs. A.S. Sarvana Karthik Sha (civil appeal no. 4894 of 2022), learned counsel for the opposite party submits that the Apex court has held that in case of transfer, the courts have to take into consideration the economic soundness of both the parties. The social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking their

livelihood and under whose protective umbrella they are seeking their sustenance to life. Further the Apex court was of the view that in socio economic paradigm in Indian society, generally it is the wife's convenience which must be looked at while considering the transfer. It appears from the submissions made by the parties that the petitioner being an unemployed lady has initiated one proceeding under Section 125 of the Code of Criminal Procedure which is pending before the Bangaon court. It is further contended that the distance involved between the court at Bangaon and court at Howrah at Howrah is about 172 kilometres in both ways which involves 8 hours journey.

Considering the facts and circumstances of the case and also considering the fact that in such cases, the convenience of the wife is of paramount importance and that the inconvenience that might be faced in case of transfer by a female, for pursuing her matrimonial suit filed by the husband, in the socio-economic situation prevailing in country, is much more than the inconveniences that might be faced by the husband, if the transfer is not effected and also considering the fact that the proceeding under Section 125 of the code is pending before the Bangaon court where the husband/opposite party would be required to attend, I find no substance in the prayer and as such I am not inclined to allow the prayer made by the petitioner.

Accordingly, C.O. 1504 of 2022 is dismissed.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

**(Ajoy Kumar Mukherjee, J.)**