

27.09.2023
Court No. 19
Item no.08
CP

C.O. No. 1538 of 2023

Soumya Kumar Panda
Vs.
Arpita Parial (Panda)

Mr. Arpan Guha
Mr. Abhilash Chatterjee
Mr. Saikat Dey

.....for the petitioner.

Mr. Sukanta Das

.....for the opposite party.

The husband in Matrimonial Suit No. 1259 of 2022 (R-715 of 2022), prays for transfer of the suit to any court of competent jurisdiction at Howrah. The grounds are that the husband is in a contractual job. That the distance between Howrah and Paschim Medinipur, does not permit the petitioner to return home on the same day. He has aging parents, who require continuous attention. That the wife will not be prejudiced in any way as she is working in a school at Howrah. She is residing at Howrah with her son and the son is enrolled in a school at Howrah. Such fact is also available from the plaint.

Usually, convenience of the wife is a consideration for transfer of the Matrimonial Suit. In this case, the husband has prayed for transfer on the grounds as stated hereinabove.

In my opinion, the transfer of the suit to Howrah would enure to the benefit of the wife as

well. She would not be required to travel to Paschim Medinipur leaving behind her child who is around 10 years old.

Mr. Das, the learned advocate for the opposite party/wife, submits that the husband has been delaying the proceedings and has not yet filed the written objection. He opposes such prayer for transfer and submits that usually it is the convenience of the wife which should prevail upon the court while deciding an application for transfer of the matrimonial suit. Reference is made to the decision of *Ranjani Kishor Pardeshi vs. Kishor Babulal Pardshi*, reported in (2005) 12 SCC 237.

Thus, for the ends of justice, this court is of the view that both the parties shall stand to gain if the Matrimonial Suit is transferred to a court of competent jurisdiction at Howrah.

It is made clear that this court has taken into consideration the convenience of both the parties and has thus ordered transfer of the suit. However, such transfer at the instance of the husband will not give any additional benefit to the husband, to delay the proceedings at Howrah. Hence, it is ordered as follows :-

- a) The learned District Judge at Paschim Medinipur, shall transfer Matrimonial Suit

No. 1259 of 2022 to the court of the learned District Judge at Howrah.

- b) The learned District Judge at Howrah shall assign the suit for hearing and final adjudication before any court of competent jurisdiction at Howrah.
- c) The transferee court shall issue notice to all the parties upon receipt of the records and dates shall be fixed accordingly.
- d) The written objection shall be filed on the date to be fixed by the learned transferee court.
- e) The learned court below shall dispose of the suit within a year from the receipt of notice mandatorily, as the wife is in a transferable service and should not be inconvenienced.

The revisional applications are accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)