

S/L 209
10.01.2023
Court No.652
SD

CO 1667 of 2022

Beauty Rani De (Jana)
Vs.
Souvik Jana

Mr. Swapan Banerjee
Mr. Kunal Ganguly
Mr. Tirupati Mukherjee

...for the Petitioner.

Ms. Chumki Chowdhury

...for the Opposite Party.

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.1200 of 2021 pending before the Court of learned 7th Additional District Judge, at Midnapur to any Court in the district of Paschim Burdwan at Asansol.

The petitioner contended that the petitioner was married with the opposite party under the Special Marriage Act on 21.3.2018. The opposite party is a staff of Indian Army. At the time of marriage, the opposite party was in Jammu and after the registration of marriage between them the opposite party posted at Madhya Pradesh and presently, he posted in Srinagar. The opposite party filed aforesaid suit for dissolution of marriage which is now pending before the learned 7th Additional District Judge, Midnapur.

The petitioner states that she met with an accident in May 2022, whereby her ligament of left leg was torn and she is now under treatment and she is also advised to avoid

movement and thereby she is under bed rest. The petitioner is presently residing at her parental house at Asansol and there is no other male member in her family at Asansol save and except her aged father to accompany her from Asansol to Midnapur for conducting the case.

The petitioner further submits that in order to attend the suit on day-to-day basis the petitioner has to travel more than 330 kms. by train. Thus, it is humanly impossible for her to avail such hectic journey, for the purpose of attending learned court at Midnapur in connection with the aforesaid suit. Accordingly, the petitioner has sought for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party opposed the prayer for transfer and contended that his client is now posted at Jammu and if the aforesaid transfer is made, he will face lot of inconveniences.

Having considered the facts and circumstances of the case and that the opposite party/husband presently does not reside at Midnapur and in order to attend the court he will have to come all the way from Jammu and that the petitioner on the other hand is stated to be an unemployed lady and has suffered an accident and not in a position to move freely and that in such circumstances where the husband/opposite party has filed a suit for dissolution of marriage, the convenience of the petitioner is of paramount importance the prayer for transfer as sought for by the petitioner is allowed.

Accordingly, learned District Judge, Paschim Midnapur is hereby directed to withdraw the Matrimonial Suit No.1200 of 2021 presently pending before the Court of learned 7th Additional District Judge, Midnapur and to transmit the case record to the Court of learned District Judge, Paschim Bardhaman at Asansol for disposal within a period of three weeks from the date of communication of the order.

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.

Department is directed to serve a copy of this order to the learned District Judge, Paschim Midnapur as well as the learned District Judge, Paschim Bardhaman at Asansol.

With these observations, C.O. 1667 of 2022 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.)