

April 13, 2023
AD – 15
Ct. 34
SG

CRR 1667 of 2021

In Re. An application under Section 407 of
the Code of Criminal Procedure, 1973.

Sudipto Chatterjee
-versus-
Dhriti Chatterjee

Mr. Bitasok Banerjee
... for the petitioner.

Mr. Raj Narayan Datta
Mr. Bibhuti Bhusan Chowdhuri
... for the opposite party.

Learned advocate for the petitioner prays for transfer of the proceedings mainly on the ground that the opposite party is working at Nil Ratan Sircar Medical College and Hospital. It has been contended that the petitioner is working at Tata Medical Centre. The case was initiated at Bankura.

Learned advocate for the petitioner submits that matrimonial proceedings have been transferred from the Court at Bankura to the Court of learned Additional District Judge, Sealdah in CO 147 of 2021.

Emphasis has been laid on the factum that for convenience of both the parties the present case being Misc. Case No.50 of 2020 be transferred to Court at Sealdah.

Learned advocate appearing for the opposite party opposes such contentions and submits that the minor daughter is staying at Bankura, although the opposite party is working at Nil Ratan Sircar Medical College and Hospital.

According to learned advocate for the opposite party, it would not be in the fitness of circumstances that the case is transferred as the matrimonial suit which has been transferred has till date not appeared for consideration before the Civil Court at Sealdah. No maintenance has till date been granted to the opposite party or the minor child and in spite of obstacles, the opposite party is pursuing her remedies.

I have considered the submissions advanced by both the parties and I find that there is another case being Kotulpur P.S. Case No.105 of 2020 which has already been registered under Section 498A IPC read with Section 3/4 of DP Act.

On assessment of the facts of the case, I find that the Court at Bishnupur, Bankura has jurisdiction to entertain an application for maintenance. It is for the convenience of the parties that in a particular case Court may grant transfer, provided there is consent between the parties.

In this case, objection has been raised by the opposite party and I find that the order passed in CO 147 of 2021 is an ex parte order.

Having regard to such contentions, I am of the opinion that the prayer so advanced by the petitioner cannot be appreciated by this Court.

Accordingly, CRR 1667 of 2021 is dismissed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the formalities.

(Tirthankar Ghosh, J.)

