

July 18, 2023
Sl. No.23
Court No.19
s.biswas

CO 1758 of 2023
Smt. Nandita Mondal
vs.
Sandip Mondal

Mr. Angshuman Chakraborty
Mr. Shivaji Mitra

... for the petitioner

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

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

This is an application under Section 24 of the Code of Civil Procedure for transfer of the Matrimonial Suit No.42 of 2023, which is pending before the learned Additional District Judge, 1st Court at Uluberia, to the learned District Judge, Hooghly or to a competent court having jurisdiction at Chinsurah.

Learned advocate for the petitioner submits that there is no direct connection between her place of residence at Dadpur, Hooghly and Uluberia, Howrah. It is further stated that the proceedings under Section 125 of the Code of Criminal Procedure is pending before the learned Judicial Magistrate, 5th Court, Chinsurah. As the husband is already contesting the said proceeding, it would not be inconvenient for the husband to attend the court at Chinsurah from his residence at Bagnan.

For the ends of justice and considering the fact that a one and half year old child is residing with the mother, the matrimonial suit shall be transferred to a competent court having jurisdiction, at Chinsurah. The wife and the husband both are required to undertake some journey from their respective places of residence. However, the inconvenience caused to the wife of having to leave behind her one and half year old child, in order to attend the court at Uluberia, is taken into consideration and this court deems it fit that the suit may be transferred to a court at Chinsurah. In that way, the wife has to undertake lesser travel. The journey of the wife will be reduced to an hour approximately. The husband who lives at Bagnan has to take a train to Howrah first and then reach Chinsurah by another train, which will be around two hours.

Considering the facts which have been averred in this revisional application, this court deems it fit to direct the learned District Judge, Howrah to transfer Matrimonial Suit No.42 of 2023 to the court of the learned District Judge, Hooghly. The learned District Judge, Hooghly shall assign the matter to a court of competent jurisdiction at Chinsurah. The suit shall be adjudicated by the transferee court. The transferee Judge, upon receipt of records, shall

issue notices upon the respective parties and proceed with the adjudication.

The revisional application is disposed of.

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

(Shampa Sarkar, J.)