

S/L 214-215
19.01.2023
Court No.652
SD

CO 2067 of 2022

Soma Das
Vs.
Raju Mukherjee

With

CO 1813 of 2022

Raju Mukherjee
Vs.
Soma Das

Mr. Somnath Gangopadhyay
Mr. Rahul Singh

...for the Petitioner.
[in CO 2067 of 2022]

Mr. Saryati Datta
Mr. Chitrak Biswas

...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.2230 of 2021 pending before the Court of learned Additional District Judge, Fast Track Court-III, Barrackore, North 24 Parganas to the Court of learned District Judge, South 24 Parganas at Alipore.

The petitioner contended that the petitioner is a working lady being Assistant Teacher in a school at Kailash Bose Street, Kolkata-700006. The petitioner stated that she was married with some other person but due to unhappy marital relationship she got divorced by a decree on mutual consent on 13.02.2019.

The petitioner further alleged that behind the back of the petitioner, her father, brother and sister-in-law being added and abated with the opposite party prepared some vague and fabricated photographs of a planned marriage, projected to be a marriage took place between the petitioner and the opposite party. However, the petitioner subsequently came with contact with one Aswini Kumar Das through a matrimonial website and the petitioner married with the said Aswini Kumar Das on 18.7.2020 under the Hindu Marriage Act.

Meanwhile, the aforesaid matrimonial suit has been initiated by the opposite party herein adducing himself as a husband of the petitioner, which is now pending before the Barrackpore Court.

The petitioner submits that the petitioner is fighting her battle against the opposite party all along, since her own father, brother and sister in law have joined hands with the opposite party and as such, the petitioner is very much apprehensive about her safety and security.

The petitioner further submits that the court at Barrackpore is located at a distance of approximately 30 kms. away from her place of residence and the locality of the said Barrackpore is unknown to the petitioner and considering the apprehension of the petitioner about her safety and security in attending the Barrackpore court, she has sought for the aforesaid transfer.

Learned counsel appearing on behalf of the opposite party vehemently opposed the prayer for transfer and contended that though the distance is not much but the opposite party herein has already initiated a criminal proceeding being Dum Dum Police Station Case No.275 of 2021 under Section 419/379/406/494/495 of the Indian Penal Code against the petitioner, which is pending before the Barrackpore Court and the petitioner herein attending the said proceeding at Barrackpore Court on a regular basis and as such, if the prayer for transfer is refused, it will not cause any prejudice to the petitioner and accordingly, he prayed for rejection of the aforesaid prayer.

The opposite party/husband filed the other revisional application being CO 1813 of 2022 praying for expeditious disposal of the aforesaid Matrimonial Suit No.2230 of 2021.

Having considered the aforesaid facts and circumstances of the case and that the distance involved in between the two places and that the petitioner is a working lady having posted as an Assistant Teacher with a Government school in Kolkata and that she is apprehending that her own father, brother and sister in law have allegedly joined hands with the opposite party and allegedly may cause an unwanted incident at any point of time, if she has to attend the Court at Barrackpore and that in such cases where the transfer of a matrimonial suit is the subject-matter, the inconvenience caused to a female in travelling to another place for pursuing a matrimonial case, in socio-economic

situation prevailing in country is much more than inconvenience caused to the husband/opposite party, the prayer made by the petitioner is allowed.

Accordingly, learned District Judge, North 24 Parganas at Barasat is hereby directed to withdraw the Matrimonial Suit No.2230 of 2021 presently pending before the Court of learned Additional District Judge, Fast Track Court-III, Barrackore, North 24 Parganas and to transmit the case record to the Court of learned District Judge, South 24 Parganas at Alipore for disposal within a period of three weeks from the date of communication of the order. The learned District Judge, Alipore either will hear the matter himself or he will be at liberty to transfer the said case to any other court at Alipore, having jurisdiction to try the suit.

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 and the transferee court shall proceed with the suit at the stage where it reached till date.

The transferee court shall make every endeavour for expeditious disposal of the suit and to conclude the entire proceeding of the suit preferably within a period of ten months from the date of communication of the order.

Department is directed to serve a copy of this order to the learned District Judge, South 24 Parganas at Alipore as well as the learned District Judge, North 24 Parganas at Barasat.

With these observations, C.O. 2067 of 2022 and C.O. 1813 of 2022 are 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.)