

9.1.2023
218
Ct. no. 652
sb

C.O. 2493 of 2022

**Puja Singh
Vs.
Ranbir Singh**

Mr. Sunny Nandy
Mr. Purnendu Maity
Mr. Subha Pathak
Mr. Tamal Singha Roy

...for the petitioner

Affidavit of service filed by the petitioner is taken on record. In spite of service, opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial suit no. 1886 of 2021, presently pending before the court of learned Additional District Judge, Fast Track, 2nd court at Barrackpore to the court of learned Family Court-I, Kolkata.

The petitioner contended that the marriage between the parties was solemnised on 6.12.2019 according to Hindu Rites and customs. The petitioner alleged that she was driven out from her matrimonial home by the opposite party and for which she has compelled to take shelter at her parental residence at Bowbazar, Kolkata within the jurisdiction of learned Family court-I, Kolkata. In the meantime, the opposite party has filed aforesaid suit for dissolution of marriage

which is now pending before the court of learned Additional District Judge, Fast Track, 2nd court at Barrackpore. The petitioner contended that she is a home-maker and as such she has no independent source of income and for which she has initiated a proceeding under Section 125 of the Code of Criminal Procedure before the Family court-I at Kolkata seeking maintenance which is pending for disposal, being Misc. case no. 37 of 2021. The petitioner further submits that the petitioner is suffering from various physical ailments and for which the petitioner cannot endure the physical strain and stress of travelling to Barrackpore. The distance between the residence of the petitioner and the Barrackpore court is about 30 kilometres, which takes more than two hours for one way journey and due to financial constraints, she is not in a position to attend the said proceeding at Barrackpore court. Accordingly, she has prayed for aforesaid transfer.

Having considered the submissions made on behalf of the petitioner and also the distance involved between the two places and that the proceeding under Section 125 of the Code of Criminal Procedure is pending before the Family Court-I, Kolkata where the opposite party would be required to attend and that in such cases, where the opposite party has initiated suit for dissolution of marriage, the convenience of the petitioner is of paramount importance and that 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.

Learned District Judge, North 24 parganas, Barasat is directed to withdraw the Matrimonial suit no. 1886 of 2021, presently pending before the court of learned Additional District Judge, Fast Track, 2nd court at Barrackpore and to transmit the same to the court of learned Family Court-I, Kolkata for disposal within a period of three weeks from the date of communication of the order.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the aforesaid suit.

The department is directed to send a copy of the order to the learned District Judge, North 24 parganas, Barasat and learned Family Court-I, Kolkata.

Accordingly, C.O. 2493 of 2022 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)