

g.b.
269

28.02.
2023
Ct. No.652

C. O. 2569 of 2022

**Tanushree Dhar
Vs
Kalyan Dhar**

**Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
.....For the Petitioner**

Service of notice upon the learned counsel appearing on behalf of the opposite party is taken on record.

Opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No. 68 of 2022 pending before the learned Additional District Judge at Katwa, Purba Bardhaman to the court of learned Additional District Judge, Lalbagh, Murshidabad.

Petitioner contended that the marriage between the parties was solemnized on 11.11. 2014 as per Hindu rites and customs. The parties are blessed with a male child who is now aged about five years. Petitioner alleged that she was subjected to torture by the opposite party and her in-laws and ultimately the petitioner along with her minor child were ousted by the in-laws and since then she is residing at her parental home at Azimganj. Petitioner

further submits that since then the opposite party never tried to contact with the petitioner and all of a sudden the opposite party filed aforesaid suit seeking dissolution of marriage which is now pending before the Additional District Judge, Katwa, Purba Bardhaman.

Petitioner submits that the distance between Azimganj and Katwa is near about 110 km and it takes near about 4 hours journey each way. The petitioner submits that it has become practically impossible to travel such a long distance with her minor child and she has none to accompany her to attend the Katwa court. She further submits that she has no independent source of income and it has become too much difficult for her to meet the expenses of the said journey. Accordingly she has sought for aforesaid transfer.

I have considered the submission made by the learned counsel for the petitioner.

In view of the facts and circumstances of the case and the distance involved between the two places and that the petitioner has a minor child in her custody and that this is husband's suit seeking dissolution of marriage and in view of settled position of law, the wife/petitioner's convenience must be looked at and that the inconveniences caused to the wife/petitioner in travelling to another station for

pursuing matrimonial suit along with a child through public transportation in socio-economic condition prevailing in the country, is much more than the inconveniences that might be caused to the opposite party, the prayer made by the petitioner is allowed.

Learned District Judge, Purba Bardhaman is hereby directed to withdraw the Matrimonial Suit No. 68 of 2022 pending before the learned Additional District Judge at Katwa, Purba Bardhaman and to transmit the same to the court of learned District Judge, Murshidabad at Berhampore within a period of three weeks and who in turn will transfer the same to the court of Additional District Judge at Lalbagh, Murshidabad having jurisdiction to try the suit within a period of three weeks thereafter. The transferee court shall serve fresh notice upon both the parties intimating next date of hearing before proceeding further with the suit and will proceed with the suit where it reached till date.

Department is directed to send a copy of this order to the learned District Judge Murshidabad at Lalbagh and learned District Judge at Katwa, Purba Bardhaman immediately.

C. O. 2569 of 2022 is accordingly disposed of.

(Ajoy Kumar Mukherjee, J.)

