

S/L 223
18.01.2023
Court No.652
SD

CO 2744 of 2022

Pamela Das Saha
Vs.
Avijit Das

Ms. Somoshree Saha

...for the Petitioner.

Mr. Siva Prasad Ghose

...for the Opposite Party.

Affidavit of service filed by the petitioner and affidavit-in-opposition filed by the opposite party in Court today be kept with the record.

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.143 of 2022 pending before the Court of learned District Judge, Hooghly at Chinsurah to the Court of learned District Judge, Howrah.

The petitioner contended that the marriage between the parties was solemnized according to Hindu rites and customs on 01.3.2021. The opposite party all of a sudden filed aforesaid suit for dissolution of marriage, which is pending in Chinsurah Court in Hooghly district.

The petitioner submits that the distance between the petitioner's present residence at Howrah and the Court at Chinsurah is about 50 kms. and that the petitioner being an unemployed lady has initiated a proceeding under Section 12 of the Protection of Women from Domestic Violence Act which is presently pending before the learned Judicial

Magistrate, Howrah. The opposite party is presently residing at Bhubaneswar and as such, if the prayer for transfer is allowed, the opposite party will have no cause to prejudice as he will have to attend Howrah Court all the way from Bhubaneswar.

Learned counsel appearing on behalf of the opposite party raised objection and contended that the husband/opposite party is presently residing at Bhubaneswar and it will be difficult for him to attend the Court at Howrah coming from Bhubaneswar, if the prayer for transfer is allowed.

Having considered the aforesaid facts and circumstances of the case and that the distance involved between the place of petitioner's present residence and court at Chinsurah and that the petitioner is an unemployed lady and that other proceeding initiated by the petitioner under the provisions of Protection of Women from Domestic Violence Act is pending before the Court at Howrah where the opposite party would be required to attend and that 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, Hooghly is hereby directed to withdraw the Matrimonial Suit No.143 of 2022 presently pending before the Court of learned District

Judge, Hooghly at Chinsurah and to transmit the case record to the Court of learned District Judge, Howrah within a period of three weeks from the date of communication of the order.

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 will proceed from the stage 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 eight months from the date of communication of the order.

Department is directed to send a copy of this order to the learned District Judge, Howrah as well as the learned District Judge, Hooghly at Chinsurah.

With these observations, C.O. 2744 of 2022 is 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.)