

S/L 184
31.01.2023
Court No.652
SD

CO 2780 of 2022

Dipanwita Dubey @ Dipanwita Mukherjee
Vs.
Shyama Prasad Mukherjee

Mr. Proloy Bhattacharya
Ms. Priya Ghoshal
Ms. Sumita Sarkar
Ms. Ananya Sau
Ms. Moushumi Dhali

...for the Petitioner.

Mr. Indranuj Datta
Ms. Swapna Pal

...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.360 of 2022 pending before the Court of learned District Judge, Purba Bardhaman to the Court of learned District Judge, Bankura.

The petitioner contended that the petitioner was married with the opposite party on March 7, 2014. The petitioner alleged that few days after marriage, the opposite party started inflicting physically and mentally torture upon the petitioner. The parties are blessed with a male child and he is residing with the mother/petitioner. The petitioner alleged that as the torture increased day by day during her stay at her matrimonial home, she was compelled to leave with the child and started residing with her parents.

Petitioner further contended that the child is suffering from different ailments. The opposite party/husband in the

meantime has filed the aforesaid suit for dissolution of marriage which is pending in the court of learned District Judge, Purba Bardhaman.

The petitioner submits that the Court at Purba Bardhaman situates at a distance of 100 kms. from her present residence and it takes about three hours to cover such distance and it is difficult for her to make the said journey through public transportation along with her ill child. Accordingly, she has sought for the aforesaid transfer.

The opposite party raised objection and contended that the grounds taken by the petitioner in support of her transfer is not sufficient and as such, prayer for transfer is liable to be rejected.

Having considered the facts and circumstances of the case and the convenience and inconvenience likely to be faced by both the parties, I find that the court at Durgapur is the middle point in between the said two places and if the aforesaid proceeding is transferred in the court at Durgapur, neither party will have cause to prejudice rather it would be convenient for both the parties to attend the said proceedings.

Accordingly, learned District Judge, Purba Bardhaman is hereby directed to withdraw the Matrimonial Suit No.360 of 2022 from the Court of learned District Judge, Purba Bardhaman and to transmit the case record to the Court of learned District Judge, Paschim Bardhaman at Asansol within a period of three weeks from the date of

communication of the order, who in turn will transfer the same to the Court of learned Additional District Judge, Durgapur 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.

Department is directed to send a copy of this order to the learned District Judge, Paschim Bardhaman as well as the learned District Judge, Purba Bardhaman.

With these observations, C.O. 2780 of 2022 is disposed of.

Since the opposite party has not been asked to file any affidavit-in-opposition, the allegations levelled against the opposite party in the revisional application be deemed to have not admitted.

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.)