

D/L
Item No. 202
13.01.2023
KOLE

CO 2933 of 2022

**Smt. Anwesha Ghosh @ Anwesha Roy Chowdhury
(Ghosh)
-Vs.-
Sri Sukhomoy Roy Chowdhury**

*Mr. Khalid Hasan,
Mr. Apzal Ansari,*

...for the petitioner.

Affidavit of service filed in court today be kept with the records.

Despite service none appears for the opposite party.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No. 176 of 2021 pending before the Court of Learned District Judge, Hooghly to the court of Learned Additional District Judge, at Ranaghat. The petitioner contended that the marriage between the parties was solemnized according to Hindu rites and customs on 11.12.2011. The petitioner alleged that the opposite party/husband used to stay at the parental house of the petitioner but he suddenly left his matrimonial house on 18.03.2014 and since then the parties are living separately. The petitioner being an unemployed lady has initiated a proceeding under Section 125 of the Code of Criminal Procedure seeking maintenance in Court of Learned Judicial Magistrate, 3rd Court, Ranaghat. The petitioner further submits that due to the wedlock one child was born who is presently aged about 7 years and studying in a School at Ranaghat and is under the custody of the petitioner.

The petitioner further submits that all of a sudden the opposite party husband has filed aforesaid suit for dissolution of marriage which is now pending before the learned District Judge, Hooghly at Chinsurah. The petitioner submits that the distance in between her present place of residence and the Court of Hooghly at Chinsurah is about 69 kilometers and it has become difficult for the petitioner to make the said journey along with her child as she has none to accompany for the said journey and there is none to look after her child. The petitioner submits that she is suffering from great financial scarcity as the opposite party refused to pay maintenance either to the petitioner or to the minor child and for which also the petitioner has compelled to file three execution cases which are pending for adjudication before the Ranaghat Court. The petitioner further submits that in order to visit the court at Hooghly from the present residence of the petitioner she has to take train from Phulia Station to reach Naihati Station. Thereafter she is required to take auto to go ferry ghat and after crossing over the river by boat again she has to take auto from the ferry ghat to the Hooghly District Court which takes more or less two and half hour journey in one side and as such it is very difficult for the petitioner to travel alone to contest the said proceeding.

Having considered the facts and circumstances of the case and also the distance involved between two places and that the petitioner is custodian of a minor child and that she has no source of income and that the other proceedings initiated by the petitioner is pending before the Court at

Ranaghat, where the opposite party would be required to attend and that in such cases where the husband has filed a suit for dissolution of marriage, the convenience of the petitioner is of paramount consideration and that the inconvenience caused to a female in travelling to another place for pursuing a matrimonial suit by public transportation in socio-economic situation prevailing in country is much more than the inconvenience caused to the husband, the prayer of the petitioner is allowed.

The learned District Judge, Hooghly at Chinsurah is hereby directed to withdraw the Matrimonial Suit no. 176 of 2021 from the Court of Hooghly and to transmit the same to the Court of learned District Judge, Nadia at Krishnagar within a period of three weeks from the date of communication of this order who in turn will transfer the same to the court of learned Additional District Judge at Ranaghat having jurisdiction for trial within a period of three weeks thereafter. The transferee court shall give notice to both the parties intimating the next date of hearing before proceeding further with the suit. The department is directed to serve copy of this order to the Court of learned District Judge at Chinsurah and to the Court of learned District Judge, Nadia at Krishnanagore immediately.

CO 2933 of 2022 is, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Ajoy Kumar Mukherjee, J.)