

S/L 245
28.02.2023
Court No.652
SD

CO 2944 of 2022

Mrs. Anjuara Paul @ Anjuara Khatun (Paul)

Vs.

Mr. Partha Sarathi Paul

Ms. Debanwita Pramanik

...for the Petitioner.

Affidavit of service filed by the petitioner in court today be kept with the record.

In spite of service, opposite party is not represented.

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.150 of 2021 from the Court of learned District Judge, Hooghly at Chinsurah to the Court of learned Additional District Judge, Haldia, Purba Medinipur.

The petitioner contended that the petitioner was married with the opposite party according to Hindu rites and customs on 16.10.2015 under the Special Marriage Act, 1954. The petitioner submits that during her stay at her matrimonial house, she was inflicted with severe physical and mental torture but she continued to maintain the relationship giving her best efforts.

She further alleged that the opposite party herein forced the petitioner to leave her matrimonial home. All of a sudden, the opposite party/husband has instituted aforesaid suit for dissolution of marriage. The petitioner submits that after she had come back from her matrimonial house, she was constrained to lodge criminal complaint and said

proceeding is pending before the Haldia Court, Purba Medinipur district.

She further submits that she has filed proceeding under Section 12 of the Protection of Women from Domestic Violence Act and also another proceeding under Section 125 of the Code of Criminal Procedure and all the aforesaid three proceedings are pending in the Court of learned Judicial Magistrate, Haldia.

She further contended that the opposite party is contesting all the aforesaid proceedings and the petitioner is not getting any maintenance till date. The petitioner contended that being an unemployed woman, having no source of income, she is facing lot of difficulties in attending the said proceeding at Chinsurah court.

She further contended that the distance in between the petitioner's present place of residence and the court at Chinsurah is about 160 kms. Accordingly, she has sought for aforesaid transfer.

Having considered the aforesaid facts and circumstances of the case and the distance involved between the two places and that three other proceedings initiated by the petitioner pending in the Court at Haldia, Paschim Medinipur where the opposite party would be required to attend and that this is husband's suit seeking dissolution of marriage and the settled principle of law is in such cases wife/petitioner's convenience must be looked at and that the inconveniences cause to a female in travelling to another station for pursuing her matrimonial suit covering such

distance, through public transportation, in the socio-economic condition prevailing in the country is much more than the inconvenience that are likely to be faced by the opposite party and considering all these, I find that this is a fit case where the prayer made by the petitioner is allowed.

Accordingly, learned District Judge, Hooghly at Chinsurah is hereby directed to withdraw the Matrimonial Suit No.150 of 2021 from the Court of learned District Judge, Hooghly at Chinsurah and to transmit the case record to the Court of learned District Judge, Purba Medinipur at Tamluk 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, Haldia at Purba Medinipur, having jurisdiction to try the suit, within a period of three weeks thereafter.

The transferee court shall give fresh notice intimating 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, Purba Medinipur at Tamluk as well as learned District Judge, Hooghly at Chinsurah immediately.

With these observations, C.O. 2944 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.)