

D/L  
Item No. 203  
13.01.2023  
KOLE

**CO 3013 of 2022  
With  
CAN 1 of 2022**

**Smt. Arpita Raj (Hota)  
-Vs.-  
Sri Subhamoy Hota**

*Mr. Amit Ranjan Pati,  
Mr. Ashok Halder,  
Mr. S. Ghosh,*

*...for the petitioner.*

*Mr. Tanmay Chowdhury,  
Mr. Tamal T. Panda,*

*...for the opposite party*

Leave to correct the Court Number in the Cause Title  
and in the prayer portion is granted.

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

Opposite party is represented.

This is an application under Section 24 of the Civil  
Procedure Code seeking transfer of Matrimonial Suit No.  
666 of 2022 presently pending before the Learned  
Additional District Judge, 2<sup>nd</sup> Court, Purba Medinipur at  
Contai to the Court of Learned District Judge, Paschim  
Medinipur. The petitioner contended that the petitioner was  
married with the opposite party according to Hindu Rites  
and Customs on 03.02.2017. The parties are blessed with a  
male child who at present residing with the  
petitioner/mother. The petitioner is an Assistant Teacher in  
Medinipur City College. The petitioner submits that the  
distance between the petitioner's present place of residence

and the District Judges Court at Purba Medinipur is about 118 kilometers in both ways and the petitioner's mother is an old and ailing person and is completely dependant upon the petitioner. The opposite party has filed the aforesaid suit for restitution of conjugal rights which is now pending before the Additional District Judge, 2<sup>nd</sup> Court at Contai, Purba Medinipur. It has become impossible for the petitioner to travel such a long distance to attend the said proceeding along with her little child who is presently aged about one and half years. There is also no other member in her family to look after the child and she does not have any one who can accompany her during her journey as her father has passed away. The petitioner alleged that the opposite party husband has threatened her which makes her apprehensive. Accordingly the petitioner sought for aforesaid transfer.

Learned Advocate appearing for the opposite party vehemently opposes the prayer and also the allegations leveled against the opposite party specially in paragraph 6 and 7 of the application. He further submits that the petitioner is a working lady and she has sufficient means to travel the said distance and the grounds assigned in the petition for transfer is not sufficient and is liable to be rejected. Having considered the facts and circumstances of the case and that the petitioner is custodian of a child aged about one and half year and that in such cases convenience of the petitioner is of paramount importance, the prayer of the petitioner is allowed.

The Court of learned District Judge Purba Mednipur is directed to withdraw Matrimonial Suit No.

666 of 2022 from the Court of learned Additional District Judge, 2<sup>nd</sup> Court, Purba Medinipur at Contai and transmit the same to the Court of Learned District Judge, Paschim Medinipur within a period three weeks for trial.

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 the order to the Court of learned District Judge, Purba Medinipur and to the court of Learned District Judge, Paschim Medinipur immediately.

The transferee court shall make every endeavor to expeditious disposal of the suit and to conclude the trial preferably by 12 months from the date of communication of this order.

Since I have not called for affidavits, the allegations made in the petition are deemed not to be admitted by the respondent.

CO 3013 of 2022 along with the connected application 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.)**