

2.2.2023
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Ct. no. 652
sb

C.O. 3139 of 2022

**Smt. Manisha Matalia @ Mina
Vs.
Sri Manish Matalia**

Mr. Suranjit Ghosh ...for the petitioner

Affidavit of service filed by the petitioner is taken on record.

Opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of the Matrimonial suit being no. 826 of 2019 pending before the court of learned District Judge, Paschim Medinipore to the court of learned District Judge, Alipore, 24 parganas.

The petitioner contended that the petitioner had to come back to her paternal home on 15.10.2019 under compelling circumstances when physical torture inflicted upon her by the opposite party and her in laws became unbearable to her. The petitioner alleged that the petitioner was beaten by the opposite party in such a way that she had to undergo treatment in a Government hospital.

All of a sudden, the opposite party had instituted aforesaid suit for dissolution of marriage which is now pending before the court of learned District Judge,

Paschim Medinipore. The petitioner presently staying at her paternal house at Bhowbanipur which is at a distance of 250 kilometres from court at Paschim Medinipore. The petitioner further states that the petitioner is facing hardship to contest the aforesaid suit and she is not capable of travelling such a long distance. The father of the petitioner is aged person, suffering from various ailments and there is none to escort the petitioner on her way to Medinipore court. Accordingly, the petitioner has prayed for aforesaid transfer.

Having considered the facts and circumstances of the case and the distance involved between the petitioner's place of residence and the court at Paschim Medinipore and that in such cases where the husband has filed a suit for dissolution of marriage, the convenience of the petitioner/wife is of paramount importance and that the inconvenience caused to a female in travelling to another place for pursuing her matrimonial suit through public transportation, in the socio economic situation prevailing in country, is much more than the inconvenience that might be caused to the opposite party, the prayer made by the petitioner is allowed.

Learned District Judge, Paschim Medinipore is hereby directed to withdraw the Matrimonial suit being no. 826 of 2019 pending before the court of learned District Judge, Paschim Medinipore and to transmit the

same to the court of learned District Judge, South 24 parganas at Alipore within a period of three weeks from the date of communication of the order.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the aforesaid suit and learned transferee court will continue the proceeding at the stage where it reached till date.

The department is directed to send a copy of the order to the learned District Judge, Paschim Medinipore and learned District Judge, South 24 parganas, Alipore.

Accordingly, C.O. 3139 of 2022 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)