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17.01.2023
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C.O. No. 3149 of 2022

**Sudipta Degharia
-Vs.-
Shyamal Degharia**

Mr. Monish Sen,
Ms. Oisani Mukherjee
...for the petitioner

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

In spite of service, the opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of the Matrimonial Suit No. 219 of 2022 from the Court of the learned District Judge, Bankura to the Court of learned District Judge, Paschim Bardhaman at Asansol.

The petitioner contended that the marriage between the parties was solemnized according to the Hindu rites and customs on 05.02.2018. The petitioner alleged that from the beginning she was subjected to physical and mental torture meted out by her husband and in-laws for bringing money and other articles from her father. She further alleged that in the month of May, 2020, she was severely

tortured and driven out from her matrimonial house. As the petitioner had no other alternative, she had to take shelter in her father's house, where she is presently residing.

The petitioner, being an unemployed lady, has initiated a proceeding under Section 125 of the Code of Criminal Procedure seeking maintenance and another proceeding under the provisions of the Protection of Women from Domestic Violence Act and both the cases are pending before the court of learned Magistrate at Asansol. The petitioner states that she has initiated a criminal proceeding, due to aforesaid torture as alleged which is also pending in the Court of the learned Judicial Magistrate at Asansol. The petitioner further submits that the opposite party is attending all the aforesaid three cases at the Asansol Court. The distance in between her present place of residence at Asansol and the Bankura Court is about 70 kilometers in one way. In order to attend the Court at Bankura, the petitioner has to go first to the Asansol Railway Station and then she has to avail one hour's train journey to reach Durgapur Railway Station. Thereafter, she has to avail one and half hour's bus journey to reach Bankura bus stand and from there she has to reach Bankura Court. The petitioner is not in a position to take this hazardous journey and she has none to accompany her for

attending the hearing at Bankura Court. On the other hand, as stated that the opposite party has been participating in all the aforesaid three proceedings, it would not be inconvenient for the opposite party to attend hearing at Asansol Court if the prayer of the petitioner for aforesaid transfer of the matrimonial suit is allowed.

Having considered the facts and circumstances of the case and also the distance involved between the two places and that the three proceedings initiated by the petitioner are pending at Asansol Court, where the opposite party would be required to attend and that the petitioner is an unemployed lady and that in such cases where the husband has filed a suit for dissolution of marriage, the convenience of the petitioner is of paramount importance and that the inconvenience caused to a female in travelling to another place for pursuing a matrimonial suit in socio-economic situation prevailing in the country is much more than the inconvenience caused to the opposite party, the prayer made by the petitioner is allowed.

The learned District Judge, Bankura is directed to withdraw the Matrimonial Suit No. 219 of 2022 from the Court of the learned District Judge at Bankura and transmit the same to the Court of learned District Judge, Paschim Bardhaman at

Asansol within a period of three weeks from the date of communication of this order.

The transferee court shall issue notice to both the parties informing next date of hearing and will proceed from the stage where it reached till date before proceeding further with the suit.

The department is directed to send a copy of this order to the Court of learned District Judge at Bankura and the learned District Judge, Paschim Bardhaman at Asansol immediately.

C.O. No. 3149 of 2022 is, accordingly, disposed of.

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

(Ajoy Kumar Mukherjee, J.)