

16.1.2023
205
Ct. no. 652
sb

C.O. 3181 of 2022

Tapati Majumder
Vs.
Deb Dulal Majumder

Mr. Debapratim Guha
Mr. Dipankar Banerjee
Ms. Anchita Sarkar ...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 no. 2252 of 2022 presently pending before the court of learned Additional District Judge, 14th Court, Alipore to the learned District Judge, Purba Bardhaman.

The petitioner contended that the petitioner was married with the opposite party on 10.2.1989 according to Hindu Rites and customs. The petitioner alleged that the husband/opposite party used to cause immense mental torture upon the petitioner from the very inception of the marriage. The opposite party was a RPF staff and used to stay different places. The petitioner alleged that the opposite party never wanted the petitioner to remain with him and through his acts and conducts insisted the petitioner to return back to her parental home. She further alleged that opposite

party/husband left her alone and she has no source of income to maintain herself and is completely dependent on her family and opposite party never paid any maintenance to the petitioner.

The petitioner contended that the opposite party earlier filed another suit for dissolution of marriage being MAT suit no. 52 of 2017 before the court of learned District Judge, Bardhaman but subsequently he has withdrawn the said suit and now in order to harass the petitioner, he has again filed the present suit for dissolution of marriage in the court at Alipore in spite of the fact that he has his accommodation and permanent address at Purba Bardhaman.

The petitioner submits that the court at Alipore situates at a distance of 150 kilometres from the house of the petitioner and it is difficult and inconvenient for her to attend the hearing of said suit in the court of learned Additional District Judge, Alipore. Moreover, the petitioner is suffering from various ailments, on the contrary as the opposite party has his accommodation at Purba Bardhaman so if the case is transferred to the court at Purba Bardhaman, then the opposite party will have no cause to prejudice.

Having considered the facts and circumstances of the case and the distance involved between the two places and relying upon unchallenged contention of the petitioner that the opposite party has his residence at

Purba Bardhaman and that in such cases, the convenience of the petitioner is of paramount importance and that the inconvenience caused to a female in travelling a different place through public transportation for pursuing her matrimonial suit, in the socio economic situation prevailing in the country, is much more than inconvenience caused to the husband/opposite party, the prayer made by the petitioner is allowed.

Learned District Judge, South 24 parganas, Alipore is hereby directed to withdraw the Matrimonial suit no. 2252 of 2022 presently pending before the court of learned Additional District Judge, 14th Court, Alipore and to transmit the same to the court of learned District Judge, Purba Bardhaman for disposal 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.

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

Accordingly, C.O. 3181 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.)