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17.01.2023  
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**C.O. No. 3219 of 2022**

**Smt. Sipra Hansda (Tudu)**  
**-Vs.-**  
**Bhim Tudu**

Mr. Sudip Ghosh Chowdhury  
...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. 53 of 2022 from the Court of the learned District Judge, Jhargram to the Court of the learned District Judge, Hooghly.

The petitioner contended that the marriage between the parties was solemnized according to Hindu rites and customs on 27.02.2013 and two children were born due to the said wedlock. The petitioner alleged that after her marriage with the opposite party, she was subjected to physical and mental cruelty by her husband. Subsequently, on 05.07.2020 she was driven out along with her children from her matrimonial home. Thereafter, the petitioner lodged a complaint case against her

husband and in-laws at Dhaniakhali Police Station, which is now pending before the Court of the learned Judicial Magistrate at Chinsurah, Hooghly. The petitioner has also initiated another proceeding under Section 125 of the Code of Criminal Procedure seeking maintenance, which is now pending in the Court of Learned Magistrate at Chinsurah, Hooghly. Thereafter, the petitioner filed a case under the provisions of Protection of Women from Domestic Violence Act, being MC/104/2021, which is now pending before the learned 3<sup>rd</sup> Judicial Magistrate at Chinsurah, Hooghly. The petitioner/wife filed a suit for dissolution of marriage against the opposite party/husband being Mat Suit No. 229 of 2020, which is also pending for adjudication in the Court of learned District Judge, Hooghly.

The opposite party has filed aforesaid suit for restitution of conjugal rights under Section 22 of the Special Marriage Act, 1954, which is now pending before the learned District Judge, Jhargram.

In the above backdrop, the petitioner has sought for transfer of the matrimonial suit filed by the opposite party/husband.

Having considered the aforesaid facts and circumstances of the case and that the distance

involved between the two places, which is about 250 kilometers in each way and that the petitioner is the custodian of two minor children and that four other proceedings initiated by the petitioner are pending before the Court at Chinsurah and since the petitioner has also sought for dissolution of marriage, the present suit for restitution of conjugal rights filed by the husband/opposite party may require to be heard analogously with the divorce proceeding initiated by the petitioner to avoid conflict of judicial decision, the prayer made by the petitioner is allowed.

The learned District Judge, Jhargram is hereby directed to withdraw the Matrimonial Suit No. 53 of 2022 from the Court of the learned Additional District Judge at Jhargram and transmit the same to the Court of learned District Judge, Hooghly within a period three weeks from the date of communication of this order.

The transferee court shall issue notice to both the parties intimating the next date of hearing before proceeding further with the suit.

The department is directed to serve a copy of this order to the Court of learned District Judge, Jhargram and the learned District Judge, Hooghly immediately.

C.O. No. 3219 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.)**