

20.04.2023
Court No.652
Item No.270
AP

CO 3244 of 2022

**Smt. Gurprit Kaur
Vs.
Sri. Inderjeet Singh**

Mr. Apurba Ghosh
Mr. Pronojit Roy

... For the Petitioner.

Mr. A. Ghatak
Mr. A. Rakshit

... For the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No.1037 of 2018 pending before the District Judge, Paschim Medinipore to the Court of learned District Judge, Paschim Burdwan at Asansol.

The petitioner contended that the petitioner was married with the opposite party according to Hindu rites and customs on 26th January, 2014. The petitioner alleged that the opposite party and his mother after marriage used to quarrel with her on the ground that her family members did not fulfil their demands and pressurized her to bring money from her parents. As she failed to comply the same, she was subjected to torture both physically and mentally.

The petitioner further submits that she is suffering from liver problem and as the opposite party neglected to take her for treatment she had to take shelter at her father's house. The petitioner being an unemployed lady having no source of income has

initiated proceedings under section 125 of the Code of Criminal Procedure seeking maintenance, which is now pending before the Magistrate Court at Asansol.

All of a sudden, the opposite party has instituted aforesaid suit seeking dissolution of marriage, which is now pending in the Court of learned District Judge, Paschim Medinipore.

The petitioner submits that the Court at Paschim Medinipore situates at a distance about 230 km from her present place of residence. It takes about five to six hours journey by road. She further submits that she is in financial hardship and she is not in a position to bear the travel expenses and other related expenses in order to contest the said suit, though she is eager to contest the same. Accordingly, she has prayed for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party raised strong objection contending that the suit was filed in the year 2018 and since then the petitioner herein was taking time and is not seriously contesting the same. Ultimately she has filed written statement. However, when the Court below without giving any indulgence asked her to file show-cause, the petitioner has come out with the aforesaid application seeking transfer.

He further submits that since the pleadings is completed, it would not be prudent to transfer the said suit at this stage as it will cause delay in final disposal

of the said suit. Accordingly, he has prayed for rejection of the said application.

Having considered the facts and circumstances of the case and also considering the distance involved between the two places and that proceeding under section 125 of the Cr.P.C. is pending in the Court of Judicial Magistrate at Asansol where the opposite party would be required to attend and that this is husband's suit seeking dissolution of marriage and as such the convenience of the petitioner must be looked at and that the inconvenience faced by a female in travelling to another station for pursuing her matrimonial suit through public transportation in the socio-economic condition prevailing in the country is much more than the inconvenience that might be faced by the opposite party, and that the scheme of our constitution provides for guaranteeing special provision for women and children and access to justice for all, the prayer made by the petitioner is allowed.

Learned District Judge, Paschim Medinipore is hereby directed to withdraw Matrimonial Suit No.1037 of 2018 and to transmit the same to the Court of learned District Judge, Paschim Burdwan at Asansol within a period of three weeks from the date of communication of the order. Learned District Judge, Paschim Burdwan at Asansol will either himself hear and dispose of the suit taking it in his own file or he will be at liberty to transfer

the said suit in any other competent Court having jurisdiction at Asansol.

The transferee Court shall serve notice upon both the parties intimating the next date of hearing before proceeding further with the suit and will proceed from the stage where it reached till date.

C.O. 3244 of 2022 is accordingly disposed of.

Let a copy of this order be sent to the learned District Judge, Paschim Burdwan at Asansol and the learned District Judge, Paschim Medinipore immediately.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Ajoy Kumar Mukherjee, J.)