

S/L 4  
21.3.2023  
Court No.652  
SD

CO 3278 of 2022

Anindita Naskar nee Bhowmick  
Vs.  
Debraj Bhowmick

*Mr. Jayanta Bhattacharya*  
*Mr. Lenin Sardar*

*...for the Petitioner.*

*Ms. Rupali Banerjee*

*...for the Opposite Party.*

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.102 of 2022 from the Court of learned Judge, Family Court at Calcutta to the Court of learned Additional District Judge, Diamond Harbour.

The petitioner contended that the petitioner was married with the opposite party on July 29, 2019 under the Special Marriage Act and the parties are blessed with a male child who was born on 29.11.2020 and presently, the child is staying with the mother/petitioner.

The petitioner alleged that from the very beginning, the opposite party and his parents abused her with filthy languages which amounts to mental cruelty. Finding no other alternative, she had returned to her father's place at Makimpur, South 24 Parganas.

The opposite party/husband in the meantime has instituted aforesaid matrimonial suit seeking dissolution of marriage which is pending in the Family Court at Calcutta. The petitioner submits that the Family Court at Calcutta situates at a distance of 60 kms. from her present residence

and she is facing lot of inconveniences in attending the said proceeding at Family Court at Calcutta as she has to look after a child of 1 year 8 months and she has to do some job in a workshop on daily basis.

She further states that attending at Family Court will deprive her earning which is very essential for herself and her child because the husband/opposite party is not paying any amount of maintenance either to the petitioner or her child. Accordingly, she has sought for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party during hearing has given a proposal that his client does not have any objection, if the said proceeding is transferred to the Baruipur Court, within the district of South 24 Parganas.

Learned counsel appearing on behalf of the petitioner also submits that considering the convenience of both the parties if the case is heard by a competent court at Baruipur, his client will also have no cause to prejudice.

Considering the aforesaid submissions made by the parties, and that the proposal given on behalf of the opposite party/husband and accepted by the petitioner/wife, learned Judge, Family Court at Calcutta is hereby directed to withdraw the Matrimonial Suit No.102 of 2022 from the Court of learned Judge, Family Court at Calcutta and to transmit the case record 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, who in turn shall transfer the same to the court of learned

Additional District Judge, Baruipur having jurisdiction to try the suit within a period of three weeks thereafter.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up further proceeding of the suit and the transferee court shall proceed with the suit at the stage where it reached till date.

Department is directed to send a copy of this order to the learned District Judge, South 24 Parganas at Alipore as well as learned Judge, Family Court at Calcutta immediately.

With these observations, C.O. 3278 of 2022 is disposed of.

There will be no order as to costs.

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

**(Ajoy Kumar Mukherjee, J.)**