

g.b.
251

28.02.
2023
Ct. No.652

C. O. 3314 of 2022

Tanushree Paul
Vs
Joydeb Paul

Mr. Surbir Banerjee
Mr. Anupam Ghosh
Ms. Rimpa Das
.....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 at the instance of the petitioner/wife seeking transfer of matrimonial suit no.351 of 2022 pending before the court of learned Additional District Judge, 1st Fast Track Court at Malda to the court of learned District Judge, Dakshin Dinajpur at Balurghat.

Petitioner contended that the petitioner was married with the opposite party according to Hindu rites and customs on 12th March, 2017. Petitioner alleged that the opposite party and his family members started inflicting mental torture upon the petitioner to coerce her to meet their demands. Petitioner is an unemployed lady having no source of income and as such it was not possible for her to

meet such demands. Petitioner further alleged that on several occasions she was assaulted physically by the opposite party and every now and then she was abused verbally and on 6th October, 2021 the opposite party again assaulted the petitioner and drove her out from her matrimonial home. The petitioner lodged a complaint at Baranagar Police Station and she was constrained to take shelter in her parental house. The petitioner has initiated a proceeding under Section 125 of the Code of Criminal Procedure seeking maintenance, which is pending before the learned Magistrate at Balurghat and she has also initiated another proceeding under the Provision of protection of women from Domestic Violence Act, which is also pending before the Learned Magistrate at Balurghat.

All of a sudden the opposite party/husband has instituted the aforesaid suit which is pending in the court at Malda. She further submits that the court at Malda situates at a distance of 110 km. from Balurghat and there is no direct communication from the residence of the petitioner to the said court. The petitioner further submits that she is facing much inconveniences in attending the said court and as such she has sought for aforesaid transfer.

Having considered the facts and circumstances of the case and also the distance

involved between the two places and that other two proceedings are pending at Balurghat where the opposite party would be required to attend and that the inconveniences caused to a woman in travelling to another place for pursuing her matrimonial suit through public transportation in the socio-economic situation prevailing in the country is much more than the inconveniences that might be caused to the husband/opposite party, the prayer made by the petitioner is allowed.

Learned Magistrate, Malda is directed to withdraw the Matrimonial Suit No. 351 of 2022 pending before the learned Additional District Judge, 1st Fast Track Court, Malda and to transmit the case to the court of District Judge, Dakshin Dinajpur at Balurghat within a period of three weeks from the date of communication of this order. The transferee court shall serve notice upon both parties before proceeding further with the suit and will proceed with the suit from the stage where it reached till date.

Department is directed to send the copy of this order to the District Judge, Balurghat and the District Judge, Malda.

C. O. 3314 of 2022 is accordingly disposed of.

(Ajoy Kumar Mukherjee, J.)

