

234 25.01.2023
NB Ct. 652

CO 3429 of 2022

Smt. Leena Kundu
Vs.
Sri Jayanta Kundu

Mr. Sukanta Das,
Mr. Snehasis Jana.
...for the petitioner.

Affidavit of service filed by the petitioner is taken on record.

In spite of service, opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No.94 of 2022 presently pending before the Court of learned Additional District Judge, Khatra, Bankura to the Court of learned District Judge, Paschim Medinipore.

The petitioner contended that the petitioner was married with the opposite party but she was subjected to physical and mental torture during her stay at her matrimonial house. Due to unbearable torture, the petitioner was compelled to return to her paternal house at Paschim Medinipore in the month of June, 2022.

The opposite party herein has instituted the aforesaid suit for annulment of marriage, which is now pending before the learned Additional District Judge at Khatra. The distance involved between the petitioner's place of residence and the Court at Khatra is about 100 kilometres. The parents of the petitioner are aged and the brother of the petitioner runs a

grocery shop and as such there is none to escort her on her way from Medinipore to Khatra. The petitioner further submits that she is an unemployed lady having no source of income and she is not in a position to make the said journey and to bear the travelling expenses.

Having considered the facts and circumstances of the case and the distance involved between the two places and that the petitioner is an unemployed lady and that in such cases where the opposite party/husband has filed a suit for dissolution of marriage, the convenience of the petitioner is of paramount importance and that the inconveniences caused to petitioner in travelling another place for pursuing said Matrimonial Suit through public transportation, in the socio economy situation of our country, is much more than the inconveniences caused to husband/opposite party, the prayer made by the petitioner is allowed.

Learned Additional District Judge, Bankura is hereby directed to withdraw the Matrimonial Suit No.94 of 2022 presently pending before the Court of learned Additional District Judge, Khatra, Bankura and to transmit the same to the Court of learned District Judge, Paschim Medinipore within a period of three weeks from the date of communication of the order.

The transferee Court shall inform both the parties about the next date of hearing before proceeding further with the said Suit and will proceed from the stage where it reached till date.

The department is directed to send a copy of this order to the learned District Judge, Paschim Medinipore and to the learned District Judge, Bankura immediately.

C.O. 3429 of 2022 is accordingly 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.)