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28.02.
2023
Ct. No.652

C. O. 3465 of 2022

**Smt. Prativa Giri
Vs
Nirupam Giri**

**Mr. Ritwik Pattanayak
....For the Petitioner
Ms. Shraboni Sarkar
.....For the Opposite Party**

Service of notice upon the learned counsel for the opposite party is kept with the record.

Affidavit-in-opposition filed by the opposite party is taken on record.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of matrimonial suit no. 2431 of 2022 pending before the court of learned Additional District Judge, 8th Court at Barasat, District North 24 Pgs. to the court of learned District Judge at Jhargram.

Petitioner contended that the petitioner was married with the opposite party on 18th May, 2020 according to the Hindu rites and customs. Petitioner alleged that she tried her level best to persuade the opposite party/husband to lead a normal matrimonial life but she failed and unfortunately on 08.05.2022 the opposite party/husband and his family members had allegedly tried to kill her at her matrimonial home at Jhargram and for which the petitioner got burn

injury and somehow she had allegedly rescued herself with the help of her father from her matrimonial home. Subsequently she was treated in a hospital. She lodged a written complaint at Jhargram Police Station which is now pending at Chief Judicial Magistrate, Jhargram court. Since then the petitioner is staying at the mercy of her father at Jhargram and her father is bearing all expenses for her survival.

All of a sudden the opposite party/husband has filed aforesaid suit for restitution of conjugal rights which is pending in the court of learned Additional District Judge, 8th court at Barasat.

Petitioner submits that the distance in between her present place of residence and Barasat court is about 210 kms and there is no direct mode of transportation from Jhargram to Barasat court. It has become very much difficult for a lady to travel alone from his place of residence to Barasat court which involves about six hours journey in one way. Furthermore she does not have any independent income of bearing the travelling expenses and there is no male member in her family to accompany her except her aged father who is suffering from different age old ailments. She further submits that she is facing a lot of difficulties in appointing expert counsel on her behalf at Barasat court to defend herself. Petitioner further submits that she has initiated a

proceeding under Section 125 of the Code of Criminal Procedure, which is also pending in the Jhargram court where the opposite party would be required to attend. Accordingly, she has prayed for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party raised objection and contended that the opposite party is now posted in a responsible post as Assistant Technology Manager to the Office of Assistant Director of Agriculture at Barasat and he will face tremendous difficulty in getting leave from his office in order to attend the court of Jhargram, if the prayer for transfer is allowed. He further submits that he wants to restore the matrimonial relationship and as such the prayer for transferring the said suit should be dismissed.

Having considered the facts and circumstances of the case and also the distance involved between the two places and the balance of convenience and inconvenience as well as the geographic location and the availability of public transportation, I find that if the suit is transferred to the court of learned District Judge, Paschim Medinipur, neither party will face much inconvenience in attending the said court.

In view of above, learned District Judge, North
24 Pgs at Barasat is hereby directed to withdraw the

Matrimonial Suit No. 2431 of 2022 pending before the court of learned Additional District Judge, 8th Court at Barasat, District North 24 Pgs. and to transmit the same to the court of learned District Judge, Paschim Medinipur within a period of three weeks from the date of communication of this order. The transferee court shall serve fresh notice intimating next date of hearing 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 a copy of this order to the District Judge, Paschim Medinipur and learned District Judge, North 24 Pgs. at Barasat immediately.

C. O. 3465 of 2022 is accordingly disposed of.

(Ajoy Kumar Mukherjee, J.)

