

237 25.01.2023
NB Ct. 652

CO 3483 of 2022

Smt. Rubi Manna Patra
Vs.
Sri Tapas Patra

Mr. Pradip Kumar Sardar.
...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.450 of 2022 from the Court of learned Additional District Judge, Contai to the Court of the learned District Judge, Howrah.

The petitioner contended that the petitioner was married with the opposite party on 2nd March, 2020 and the parties are blessed with a male child who was born on 31.08.2021. The petitioner alleged that due to physical and mental torture inflicted by the opposite party/husband, she was compelled to leave her matrimonial home on 2nd August, 2021.

In the meantime, the opposite party herein has instituted the aforesaid suit for restitution of conjugal rights, which is now pending before the learned Additional District Judge, Contai.

The petitioner further submits that she is a lonely lady and there is nobody to assist her and she has no income and for such reason she has initiated a Misc. Case being No.760 of

2022 against her husband seeking maintenance, which is now pending in the Court of Judicial Magistrate, Howrah. She further submits that in order to contest said suit she has to travel a long distance of more than 155 kilometres. The petitioner is required to reach Contai by train which is very much expensive and troublesome for a lady who is custodian of a minor child. She further submits it is really impossible for a lady to contest the said case in such a manner by attending the Court and by taking witness to Contai.

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 having no source of income and that other proceeding initiated by petitioner against opposite party/husband is pending before Howrah Court, where the opposite party would be required to attend and that the petitioner is custodian of a child aged about 1 year and that the inconveniences caused to a female in travelling another place for pursuing said Matrimonial Suit through public transportation, in the socio economic situation prevailing in country is much more than the inconveniences that might be caused to husband/opposite party, the prayer made by the petitioner is allowed.

Learned Additional District Judge, Purba Medinipore is hereby directed to withdraw the Matrimonial Suit No.450 of 2022 presently pending before the learned Additional District Judge, Purba Medinipore, Contai and to transmit the same to the Court of learned District Judge, Howrah within a period of three weeks from the date of communication of the order.

The transferee Court shall serve notice upon both the parties intimating 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, Purba Medinipore and to the learned District Judge, Howrah immediately.

C.O. 3483 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.)