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28.02.
2023
Ct. No.652

C. O. 3608 of 2022

Smt. Shishilata Haldar (Biswas)
Vs
Sri Ashis Halder

Mr. Arup Nath Bhattacharyya
Mr. Snehasish Dey
Ms. Saolini Bose
Mr. Arya Bhattacharyya
.....For the Petitioner
Mr. Angshuman Chakraborty
Mr. S. S. Saha
.....For the Opposite Party

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No. 92 of 2022 pending before the court of learned Fast Track-II at Bongaon to any competent court at Krishnanagar, District Nadia.

The grounds for transfer as set out in the application is that the petitioner has suffered both physical and psychological abuse committed by the respondent and the members of the respondent's family and the petitioner feels insecure to travel to Bongaon. Moreover the distance from her place of residence and Bongaon court is about 60 kms and total time taken to travel is about seven hours. Furthermore petitioner has a child in her custody who was born due to wedlock and presently aged about six years and that the petitioner has no source of income and she has lost her father and she is

totally dependent on her mother who earns meagre income working as house help and she is not in a position to bear the travel expenditure.

Learned counsel appearing on behalf of the opposite party submits that he has lost his father recently and he has to look after his old aged ailing mother. He has also denied and disputed the case of torture as alleged by the petitioner in her application.

During course of hearing a proposal came from learned counsel appearing on behalf of the petitioner that for the convenience of both the parties if the case is transferred to the court of Ranaghat, his client does not have any objection.

Learned counsel appearing on behalf of the opposite party did not raise serious objection to that proposal.

Considering the facts and circumstances of the case, the geographic location and also the availability of public transportation to reach in the concerned area, the proposal given by the petitioner/wife is accepted.

In view of the above, learned District Judge, North 24 Pgs. at Bongaon is hereby directed to withdraw the Matrimonial Suit No. 92 of 2022 pending before the court of learned Additional District Judge, Fast Track-II at Bongaon and to transmit the same to the learned District Judge, Nadia at

Krishnanagar within a period of three weeks who will in turn will transfer the same to the court of learned Additional District Judge at Ranaghat having jurisdiction to try the suit, within a period of three weeks thereafter. The transferee court shall serve notice upon both the parties before proceeding further with the suit and will proceed from the stage where it reached till date.

Department is directed to send a copy of this order to the learned District Judge, Nadia at Krishnanagore and learned District Judge, North 24 Pgs. at Ranaghat immediately.

C. O. 3608 of 2022 is accordingly disposed of.

(Ajoy Kumar Mukherjee, J.)