

S/L 209  
01.02.2023  
Court No.652  
SD

CO 3645 of 2022

Shyama Rani Karmakar nee Roy  
Vs.  
Satyajit Karmakar

*Ms. Anita Kundu*

*...for the Petitioner.*

Affidavit of service filed by the petitioner in Court today be kept with the record.

In spite of service, opposite party is not represented.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.480 of 2021 pending before the Court of Learned Additional District Judge-II at Asansol, Paschim Bardhaman to the Court of learned District Judge, North 24 Parganas at Barasat.

The petitioner contended that the petitioner married with the opposite party according to Hindu rites and customs on 06.12.2015 and a child was born on 01.12.2016 due to said wedlock.

The petitioner alleged that she was physically assaulted by the opposite party and her in laws and for which she was compelled to return to her parental home at Vivekanandanagar Madhyamgram. The petitioner then initiated a proceeding under the provisions of Protection of Women from Domestic Violence Act and another proceeding under Section 125 of the Code of Criminal Procedure and

both the cases are pending before the learned Additional Chief Judicial Magistrate, Barasat. As a counter-blast, opposite party/husband has filed aforesaid suit for restitution of conjugal right which is now pending before the Asansol Court.

Petitioner further submits that she is an unemployed lady having no source of income and the court at Asansol, Paschim Bardhaman situates at a distance of about 200 kms. from her present place of residence. In view of the above, petitioner is facing lot of inconveniences in attending the said proceeding at Asansol along with child who is school going. Accordingly, petitioner has sought for aforesaid transfer.

Having considered the facts and circumstances of the case and that the distance involved between the two places and that the petitioner is a custodian of a minor school going child and that the other two proceedings initiated by the petitioner is pending before the Barasat Court where the opposite party would be required to attend and that the inconvenience faced by the petitioner being an unemployed lady in travelling to another place for pursuing aforesaid matrimonial suit in the socio-economic situation prevailing in the country is much more than inconvenience that might be caused by the opposite party/husband, the prayer made by the petitioner is allowed.

Accordingly, learned District Judge, Paschim Bardhaman at Asansol is hereby directed to withdraw the

Matrimonial Suit No.480 of 2021 from the Court of learned Additional District Judge-II, at Asansol and to transmit the case record to the Court of learned District Judge, North 24 Parganas at Barasat within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up further proceeding of the suit and the transferee court shall proceed with the suit at the stage where it reached till date.

Department is directed to send a copy of this order to the learned District Judge, Paschim Bardhaman at Asansol as well as the learned District Judge, North 24 Parganas at Barasat.

With these observations, C.O. 3645 of 2022 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Ajoy Kumar Mukherjee, J.)**