

S/L 13
16.3.2023
Court No.652
SD

CO 3683 of 2022

Smt. Krishna Rani Ghosh
Vs.
Sri Snajoy Kumar Ghosh

Mr. Goutam Das
Mr. Arun Kr. Saha

...for the Petitioner.

Mr. Shibasis Chatterjee
Mr. Devdutta Pathak

...for the Opposite Party.

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

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.267 of 2022 from the Court of learned District Judge, Murshidabad at Berhampore to the Court of learned District Judge, Purba Bardhaman.

The petitioner contended that the petitioner was married with the opposite party on 19.11.1999. The parties are blessed with two daughters who are presently residing with the petitioner. The petitioner alleged that under compelling circumstances, she along with her two daughters left her matrimonial home and started to reside at Purba Bardhaman along with her widowed mother in a rented accommodation.

All of a sudden, the opposite party/husband has filed the aforesaid suit for dissolution of marriage which is now pending in the court of learned District Judge, Murshidabad at Berhampore. The petitioner contended that the opposite party/husband had never tried to get back the wife and two

daughters to the matrimonial home and as such, she left her matrimonial home in the month of April 2019.

She further submits that she has initiated proceeding under Section 125 of the Code of Criminal Procedure seeking maintenance which is pending in the court of learned Magistrate, Katwa, Bardhaman. She has also initiated proceeding under the provisions of Protection of Women from Domestic Violence Act which is also pending before the learned Magistrate, Katwa, Bardhaman.

The petitioner submits that in both the proceedings, the opposite party has appeared and contesting. She further contended that she has initiated a criminal proceeding being G.R. Case No.759 of 2020 under Section 498A/406/323/34 of the Indian Penal Code which is also pending before the learned ACJM, Bardhaman.

The petitioner further submits that her younger daughter is a school going student and due to financial stringency the elder daughter has dropped out her further studies. The court at Berhampore situates at a distance of about 134 kms. and the petitioner is facing lot of inconveniences in attending the said proceeding at Berhampore. Accordingly, she has sought for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party raised objection and contended that one of the two daughters has already attained majority. If the case is transferred in the court at Purba Bardhaman, then he will have to face lot of difficulties in making the said journey.

Accordingly, he prayed for dismissal of the aforesaid application for transfer made under Section 24 of the Code of Civil Procedure.

Having considered the aforesaid facts and circumstances of the case and that the petitioner is the custodian of two female issues out of which one is school going and that three other proceedings are pending in the courts within the district of Purba Bardhaman, where the opposite party would be required to attend and that the petitioner is an unemployed lady and that this is husband's suit seeking dissolution of marriage and that the settled principle of law is that the wife's convenience in such cases must be looked at and that the inconvenience cause to a woman in travelling to another place for pursuing matrimonial suit through public transportation in the socio-economic situation prevailing in the country, is much more than the inconveniences that might be caused to the husband/opposite party and considering all these, the prayer made by the petitioner seeking transfer is allowed.

Accordingly, learned District Judge, Murshidabad at Berhampore is hereby directed to withdraw the Matrimonial Suit No.267 of 2022 from the Court of learned District Judge, Murshidabad at Berhampore and to transmit the case record to the Court of learned District Judge, Purba Bardhaman 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, Murshidabad at Berhampore as well as learned District Judge, Purba Bardhaman immediately.

With these observations, C.O. 3683 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.)