

S/L 165
13.02.2023
Court No.652
SD

CO 3817 of 2022

Banashri Hajra (Ghosh)
Vs.
Debabrata Ghosh

Mr. Madan Murari Verma
Mr. Abhishek Verma

...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.809 of 2021 from the Court of learned Additional District Judge, 4th Court at Paschim Medinipur to the Court of learned District Judge, Howrah.

The petitioner contended that the petitioner was married with the opposite party according to Hindu rites and customs. On 27.02.2013 the opposite party has instituted aforesaid suit seeking dissolution of marriage which is now pending before the learned Additional District Judge, 4th Court, Paschim Medinipur.

The petitioner submits that she is an assistant teacher in a Government sponsored school at Brindabonpur, Howrah. The opposite party/husband is also a teacher now posted in a school at Kharagpur, Paschim Medinipur.

She further alleged that as per the provisions of House Rent Allowance Rules, the house rent allowance of petitioner was clubbed together with the opposite party and

the opposite party is drawing both the house rent allowances. The petitioner further submits that after her marriage with the opposite party, her family pension due to death of first husband was stopped and for which she is suffering continuous financial loss.

The petitioner further submits that a daughter who was born due to her first marriage is now staying with the petitioner. The petitioner states that she is suffering lot of travelling inconveniences in attending said proceeding at Paschim Medinipur Court and as such, she has sought for aforesaid transfer.

Having considered the facts and circumstances of the case and also the distance involved between the two places and that the petitioner is also custodian of a daughter born due to her earlier marriage and that this is a suit instituted by husband/opposite party seeking dissolution of matrimonial tie and as such, the convenience of the petitioner must be looked at in view of judicial pronouncements and in the absence of any opposition against petitioner's contentions I find that the comparative hardship is more to the petitioner and as such, the prayer made by the petitioner is allowed.

Accordingly, learned District Judge, Paschim Medinipur is hereby directed to withdraw the Matrimonial Suit No.809 of 2021 from the Court of learned Additional District Judge, 4th Court, Paschim Medinipur and to transmit the case record 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 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 Medinipur as well as the learned District Judge, Howrah immediately.

With these observations, C.O. 3817 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.)