

S/L 14
14.3.2023
Court No.652
SD

CO 3882 of 2022

Smt. Pubali Chattopadhyay

Vs.

Sri Arnab Chatterjee

Mr. Sukanta Das

...for the Petitioner.

Mr. Rohit Das

Mr. Sreyash Basu Dasgupta

Ms. Kishwar Rahman

...for the Opposite Party.

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.390 of 2021 from the Court of learned Additional District Judge, 13th Court, South 24 Parganas at Alipore to the Court of learned District Judge, Paschim Medinipur.

The grounds for transfer as set out by the petitioner in her application is that she is presently residing at Salboni, Paschim Medinipore which situates at a distance of 175 kms. from Alipore Court where the husband/opposite party has instituted the aforesaid suit for dissolution of marriage. Accordingly, petitioner submits that it takes about 5 hours to cover the said distance and presently she is residing at a rented house and there is none to accompany her to travel such a long distance. Furthermore, one female child was born due to the said wedlock and that minor female child is presently under the custody of the petitioner.

Petitioner further submits that she is presently employed as an Assistant Teacher at a school at Salbone, Paschim Medinipore and she further alleged that she is

suffering from different ailments and it has become impossible for her to travel such long distance along with the said child. Accordingly, she has sought for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party raised strong objection contending that the suit was filed in the year 2021 and the petitioner has also joined in her service in the year 2021. The petitioner has filed one application under Section 24 of the Hindu Marriage Act in the said matrimonial proceeding and regularly attended the said proceeding for last two years without having any difficulty and now she has come up with the present application for transfer which has got no merit at all and liable to be rejected. He further submits that in order to make illegal gain, the petitioner made the aforesaid prayer with the allegation that being a lady it has become impossible for her to travel the said distance.

Having considered the aforesaid facts and circumstances of the case and that the distance involved between the two places and that the petitioner is the custodian of a female child and that she is now employed as an Assistant Teacher at a school at Salboni, Paschim Medinipore and that this is the husband's suit for dissolution of marriage and the settled principle 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 condition 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 for transfer is allowed.

Accordingly, learned District Judge, South 24 Parganas is hereby directed to withdraw the Matrimonial Suit No.390 of 2021 from the Court of learned Additional District Judge, 13th Court, South 24 Parganas at Alipore and to transmit the case record to the Court of learned District Judge, Paschim Medinipur 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, South 24 Parganas at Alipore as well as learned District Judge, Paschim Medinipur immediately.

Parties will be at liberty to approach before the learned District Judge, Paschim Medinipur for mediation.

With these observations, C.O. 3882 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.)