

S/L 169
13.02.2023
Court No.652
SD

CO 3918 of 2022

Sudevi Show @ Sudevi Banerjee
Vs.
Tanmoy Show

Mr. Nirmalya Chatterjee

...for the Petitioner.

Mr. Tanmoy Chowdhury
Mr. Abhishek Chakraborty

...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.228 of 2022 from the Court of learned Additional District Judge, at Bolpur, Birbhum to the Court of learned District Judge, South 24 Parganas, at Alipore.

The petitioner contended that the petitioner was married with the opposite party according to Hindu rites and customs on 05.02.2014. The petitioner alleged that during her stay at her matrimonial home, she was subjected to physical and mental torture. The petitioner presently residing at a rented accommodation at Regent Park, Kolkata and living alone. The petitioner has initiated a proceeding under Section 125 of the Code of Criminal Procedure claiming maintenance which is pending before the learned Magistrate at Alipore Court.

The petitioner submits that the husband/opposite party has initiated aforesaid suit seeking dissolution of marriage which is pending before the learned Additional District Judge, Bolpur.

The petitioner's contention is that said court at Bolpur situates at a distance of 180 kms. from Kolkata in one way and it takes almost four hours to reach from the petitioner's present place of residence. The petitioner further contended that her parents have already died and she is in full quandary as to how the life and livelihood can be continued. The petitioner is subjected to undue and great hardship in travelling from Regent Park, Kolkata to the court at Bolpur for attending said proceeding. She has to incur huge expenses towards travelling as well as lodging. The husband/opposite party is not paying maintenance in compliance with court's order and for which warrant of arresting is pending for execution against him. Accordingly, petitioner/wife being a hapless lady, it is very much stressful and difficult for her to visit court on each date and to pursue the proceeding in Bolpur.

Learned counsel appearing on behalf of the opposite party denied all such allegations levelled by the petitioner and contended that if the aforesaid prayer for transfer made by the petitioner is allowed, the husband/opposite party will face lot of difficulties in attending the said proceeding at Alipore Court as his place of residence is at Bolpur and the child born due to said wedlock is staying with the opposite party/husband.

Having considered the aforesaid facts and circumstances of the case and the distance involved between the two places is about 180 kms. in one way and that other proceeding initiated by the petitioner is pending before the

Alipore Court where the opposite party would be required to attend and that this is a suit for dissolution of marriage initiated by the opposite party/husband and as such, convenience of the petitioner/wife is of paramount consideration and that the inconveniences caused to a female in travelling to another station for pursuing her matrimonial suit through public transportation in the socio-economic situation prevailing in country, is much more than the inconveniences that might be caused to the husband/opposite party, I find that if the case is transferred to the court of learned District Judge, Howrah, neither parties will have much cause to prejudice, considering geographic location and easy availability of public transportation.

Accordingly, learned District Judge, Birbhum is hereby directed to withdraw the Matrimonial Suit No.228 of 2022 from the Court of learned Additional District Judge, Bolpur 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, Birbhum as well as learned District Judge, Howrah immediately.

With these observations, C.O. 3918 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.)