

03-10-2023
Court No.3
Sh/29.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

**C.O. 49 of 2023
With
C.A.N. 1 of 2023**

Smt. Sanghati Sutradhar
-Vs-
Sri Manoj Das.

Ms. Esha Acharya,
Mr. Sampad Das.

For the petitioner.

Mr. Aniruddha Biswas.

For the Opposite Party.

This is an application for transfer of Matrimonial Suit No.580 of 2022 from learned Fast Track 2nd Court, Jalpaiguri to any competent court at Alipurduar.

Learned advocate appearing on behalf of the wife/petitioner submits that the petitioner has a five-year old daughter. The petitioner stays with her widow mother in Falakata, Alipurduar. Given this arrangement, it will be challenging for her to commute from Falakata to Jalpaiguri to contest the matrimonial suit.

Conversely, learned advocate appearing on behalf of the husband/opposite party submits that the petitioner is a High School teacher in Falakata. The distance between Falakata and Jalpaiguri spans approximately 60 kilometers, a journey that takes about one hour fifteen minutes. Therefore, there is no reasonable ground to transfer this matrimonial suit solely based on the petitioner's preference.

It is worth noting that if the case were transferred to Alipurduar the husband would be required to travel a distance of about 100 kilometers to contest the matrimonial suit.

Having regard to the convenience of both the parties, I do not see any justification to transfer this present matrimonial suit to any court at Alipurduar which is situated 47 kilometers away from Falakata. Such transfer would not appear to significantly benefit the petitioner. The petitioner is a working lady having independent source of income. The mere fact of being a woman should not, by itself, warrant the transfer of matrimonial suit.

Accordingly, C.O. 49 of 2023 along with CAN 1 of 2023 is dismissed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously subject to compliance of all requisite formalities.

(KAUSIK CHANDA, J.)

