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01.02.2023
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**In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

C.O No. 114 of 2022

**Smt. Pamel (Sarkar) Ghosh @
Smt. Pamel Ghosh (Sarkar)
-Vs.-
Sovan Sarkar**

Ms. Suman Sehanabis (Mandal)
... for the petitioner

Mr. Subhasish Misra
... for the opposite party

Affidavit of service filed in Court today be
kept on record.

Learned counsel for the petitioner-wife
contends that the petitioner-wife has a minor
daughter, who is studying in a junior school and
that the petitioner's parents are aged and ailing.
As such, it is contended that it is difficult for the
petitioner to attend the matrimonial suit filed by
her husband-opposite party, by going to Dinhata
and attending court there.

That apart, it is submitted that the
petitioner-wife has initiated two proceedings,
respectively under Section 125 and 498A of the
Code of Criminal Procedure, before court(s) in
Cooch Behar. Hence, the opposite party-husband
has to attend those proceedings in Cooch Behar
in any event.

Learned counsel appearing for the
opposite party-husband submits that the

distance between the two places, that is, Dinhata and Cooch Behar, is minimal and it takes only thirty minutes to move between the two places. That apart, it is submitted that no cogent ground has been disclosed in the present petition for transferring the case of the husband to Cooch Behar.

Perused the allegations made in the present petition under Section 24 of the Code of Civil Procedure.

It is evident that the distance between the two places, that is, Dinhata and Cooch Behar is minimal. Hence, no useful purpose will be served if the matter is transferred from Dinhata to Cooch Behar. The mere inconvenience cited by the petitioner, in any event, will be with her wherever she goes to contest the suit. Moreover, mere institution of two criminal proceedings in Cooch Behar does not benefit the petitioner in support of the present application for transfer, since the dates in the criminal cases might not correspond with the dates of the matrimonial suit, which are pending in different jurisdictions before different courts.

As such, I do not find any cogent material to transfer the matrimonial suit from Dinhata to Cooch Behar.

Accordingly, C.O No. 114 of 2022 is dismissed without, however, any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)