HIGH COURT OF TRIPURA
AGARTALA

Tr.P.(C) No.13/2024

Smti. Priyanka Das, W/O. Shri Kinkar Malakar, D/O. Shri Paresh Chandra Das, aged about 40 years, resident of Border Para, near Indo-Bangla Check-post, P.S.-Belonia, District-South Tripura,PIN-799155.

……. Petitioner(s).

V E R S U S

Shri Kinkar Malakar, S/O. Late Joymangal Malakar, resident of Dhaleswar, behind of Purbassa, P.S.-East Agartala, District-West Tripura, PIN-799006.

……Respondent(s).

For Petitioner(s)	:	Mr. Subham Majumder, Advocate.
For Respondent(s)	:	None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

04/12/2024

Heard Mr. Subham Majumder, learned counsel for the petitioner.

Despite service of notice upon the respondent-husband, he has chosen not to enter appearance.

Petitioner is the wife who seeks transfer of T.S.(RCR) No.46 of 2024 from the Court of learned Family Judge, Agartala, West Tripura to the Court of learned Family Judge, Belonia, South Tripura. According to the petitioner, she is staying with her parents at Belonia. She has a female child born out of the wedlock aged about 3(three) years. She is also working in Belonia. She is physically disabled. Therefore, learned counsel for the petitioner submits that she would not be able to properly contest the suit at West Tripura. Therefore, petitioner sought transfer of matrimonial suit to the competent Court in South Tripura. The averments made in the petition have remained untraversed because respondent has chosen not to enter appearance despite valid service of notice.

Having regard to the facts and circumstances placed from record and upon hearing learned counsel for the petitioner, this Court is of the view that since the petitioner is not only working in Belonia but is also physically disabled and has a female child aged 3(three) years to maintain, it would be difficult for her to contest the matrimonial suit instituted by the respondent-husband before the learned Family Court, Agartala as both the places are separated by considerable distance.

In those circumstances, this Court is of the view that the petitioner has made out a case for transfer of T.S. (RCR) No.46 of 2024 from the Court of learned Family Judge, Agartala, West Tripura to the Court of learned Family Judge, Belonia, South Tripura. It is ordered accordingly.

The transfer petition is disposed of.

Interim order dated 04.11.2024 stands vacated.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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