

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.17/2024

Smt. Bichitra Shil, W/O. Sri Kajal Shil, resident of Village-Dhigal Bank, Ward No.10, P.O., P.S. and Sub-Division- Dharmanagar, District-North Tripura.
..... Petitioner(s).

V E R S U S

Sri Kajal Shil, S/O. Sri Monoranjan Shil, resident of Village & P.O.-Rangauty, P.S.-Irani, Sub-Division-Kailashahar, District-Unakoti Tripura.
.....Respondent(s).

For Petitioner(s)	: Ms. Saswati Nag, Advocate.
For Respondent(s)	: None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

13/12/2024

Heard Ms. Saswati Nag, learned counsel for the petitioner.

Petitioner is the wife who seeks transfer of T.S.(Divorce) No.23 of 2023 from the Court of learned Family Judge, Kailashahar, Unakoti Tripura to the Court of learned Family Judge, Dharmanagar, North Tripura on the ground that she is residing at Dharmanagar and had also filed a case under Domestic Violence Act at Dharmanagar which was disposed of in her favour vide judgment dated 07.06.2024. She is 31 years old fully dependent upon her parents and has no independent sources of income. She would not be able to properly contest the suit if not transferred from Kailashahar to Dharmanagar. She is unable to commute alone and her father is 75 years old who is not in a position to accompany her on most of the dates. Therefore, petitioner has prayed for transfer of the suit from Kailashahar to Dharmanagar.

From the NJDG status report and also from the statement of learned counsel of the petitioner, it appears that the case is at the stage of evidence.

I have considered the submission of learned counsel for the petitioner and taken note of the materials placed from record.

Kailashahar and Dharmanagar are separated only by 26 Kms. The suit is at the stage of evidence. The Domestic Violence case instituted by the petitioner at Dharmanagar has also been disposed of. In such circumstances, at this advanced stage of trial, it would not be proper to transfer the case from the Court of learned Family Judge, Kailashahar, Unakoti Tripura to the counterpart Court at Dharmanagar when, moreover, the two places are separated only by a distance of 26 Kms. which is not at all difficult to commute. Therefore, prayer is refused.

The transfer petition is dismissed.

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

(APARESH KUMAR SINGH), CJ

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