

ML 466
29.01.2024
Court. No. 19
GB

C.O. 643 of 2023

Nisha Devi
Vs.
Basudeb Ram

*Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya,
Mr. Amit Karmakar*

.... for the Opposite Party.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the opposite party. On the earlier occasion also, none appeared on behalf of the opposite party although service was effected.

The petitioner seeks transfer of the Matrimonial Suit No.68 of 2022 presently pending before the learned Additional District Judge, Chanchal, Malda to the court of the learned District Judge at Paschim Bardhaman.

It is contended by the petitioner that the distance of 300 kms. each way, is difficult for the petitioner. She is not in a position to travel overnight to such a distant place in order to attend the court. Moreover, the minor girl child is residing with the mother and it is not possible for the mother to travel with the minor child or leave her behind. There was none to look after her.

It appears that the petitioner has made out a good case for transfer of the matrimonial suit to a convenient location. However, the convenience of the husband is also to be looked into while deciding the application for transfer.

Under such circumstances, the application is disposed of with a direction upon the learned District Judge, Malda to transfer Matrimonial Suit No.68 of 2022 to the court of the learned District Judge, Purba Bardhaman. The distance and the travel time will be considerably reduced for the wife and the husband will also have a direct mode of communication by train as also by road. The learned District Judge, Purba Bardhaman, shall dispose of the suit himself or assign the matter to any competent court. The transferee court, upon receipt of the records, shall intimate the parties about the suit and the suit shall be disposed of expeditiously and in accordance with law.

The application is accordingly disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)