

ML 469
29.01.2024
Court. No. 19
GB

C.O. 1271 of 2023

Smt. Tuki Biswas @ Banik
Vs.
Sri Binoy Biswas

*Mr. Amitava Paine,
Ms. Manideepa (Paul) Roy*

...for the Petitioner.

This is the 3rd affidavit-of-service.

Despite service, none appears on behalf of the opposite party/husband.

The petitioner prays for transfer of the Matrimonial Suit No.20 of 2022 from the court of the learned Additional District Judge at Bolpur, Birbhum to the court of the learned District Judge at Purba Bardhaman.

It has been specifically pleaded that the petitioner is presently living in a vagrant condition, at the mercy of her aged maternal uncle and aunt. The parents are no more and it is not possible to leave behind her three years old minor child alone and travel 60 kms. each way on the dates fixed in the matrimonial suit. Moreover, the proceedings under the Domestic Violence Act and the proceeding under Section 125 of the Code of Criminal Procedure are pending at Purba Bardhaman.

The husband is not contesting this proceeding. Despite service on three occasions, no one appears for the husband. This Court is of the view that the matrimonial suit should be transferred to the court of the learned District

Judge at Purba Bardhaman from Bolpur, for the ends of justice. It would not be difficult for the husband to travel around 60 kms. each way on the dates fixed. This application is allowed.

The learned Additional District Judge at Bolpur, Birbhum is directed to transfer the Matrimonial Suit No.20 of 2022 to the court of the learned District Judge at Purba Bardhaman for adjudication. 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.)