

April 3, 2024
Sl. No.A 723
Court No.19
s.biswas

CO 1286 of 2023

Smt. Santa Sarkar (nee Barui)

vs.

Samrat Sarkar @ Safiur Rahaman Sarkar

Ms. Riya Banerjee

Mr. Shamit Dutta

... for the petitioner

Mr. Saiful Alam

... for the opposite party

This application has been filed by the wife seeking transfer of the Matrimonial Suit No.135 of 2022, which is pending before the learned Additional District Judge, Fast Track 2nd Court at Rampurhat, Birbhum to the court of the learned District Judge, North 24 Parganas, at Barasat. The grounds for transfer are distance, inability to travel alone leaving behind a child, lack of a suitable place to rest or stay overnight.

The learned advocate for the husband opposes such prayer on the ground that the husband was paralysed due to an accident and it would be impossible for him to travel to Barasat.

Considering the convenience of the parties and the state of health of the husband, this court is of the view that a suitable place for both the parties should be fixed by this court for adjudication of the matrimonial suit. Although it is submitted that the husband has to travel to Barasat to contest other proceedings, this court is of the view that considering his physical condition, it would be

improper to make him travel regularly to Barasat, even to contest his own suit.

Having considered the rival contentions of the parties, the court is of the view that the convenience of both the parties should be looked into.

Accordingly, the application for transfer of the matrimonial suit is disposed of with a direction upon the learned District Judge, Birbhum to transfer the records of Matrimonial Suit No.135 of 2022 to the court of the learned District Judge, Purba Bardhaman. The learned District Judge, Purba Bardhaman, shall either hear the suit himself or assign the matter to a court of competent jurisdiction at Bardhaman Sadar, on an urgent basis. The learned transferee Judge, upon receipt of records, shall issue notices to the parties and proceed with the adjudication.

It is made clear that the opposite party shall bear the cost of travel, food and lodging, for the wife, on the dates the wife has to attend court at Bardhaman. Such payment shall be made to the learned advocate for the wife on the dates fixed, if the wife attends the court.

The revisional application stands disposed of accordingly.

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

(Shampa Sarkar, J.)

