

April 24, 2024
Sl. No.A 728
Court No.19
s.biswas

CO 1565 of 2023
Suparna Dey Roy Choudhury
vs.
Sri Biswanath Roy Chowdhury

Mr. Bidhayak Lahiri
Mr. Pradip Kumar Ghosh
Ms. Bhaswati Lahiri

... for the petitioner

Despite service, none appears on behalf of the opposite party. It appears that the learned advocate and the opposite party had been served on two earlier occasions and affidavit of service was filed. Also, none appeared on behalf of the opposite party on December 6, 2023 and February 28, 2024.

This application has been filed by the wife seeking transfer of the Matrimonial Suit No.3147 of 2022, which is pending before the learned Judge, Fast Track Court, 2nd Court at Barrackpore, North 24 Parganas to any competent court at Alipore, South 24 Parganas. The husband is not contesting the proceeding, despite service. The ground for transfer is difficulty of the petitioner to travel 50 kms each way in order to attend the suit. It is also stated that a proceeding under Section 125 of the Criminal Procedure Code is pending within the jurisdiction of Alipore Court and the husband is regularly attending the said proceeding.

Having considered the contention of the petitioner, the court is of the view that the

convenience of the petitioner is crucial. Barrackpore is not only far away from the petitioner's residence, but there are no hotels or guest houses where the petitioner can stay overnight. The communication involves travel by bus and then by train. It is a strenuous travel.

Accordingly, the application for transfer of the matrimonial suit is disposed of with a direction upon the learned District Judge, North 24 Pargans at Barasat to transfer the records of Matrimonial Suit No.3147 of 2022 to the court of the learned District Judge at Alipore, South 24 Parganas. The learned District Judge, South 24 Parganas, shall either hear the suit himself or assign the matter to a court of competent jurisdiction at Alipore, on an urgent basis. The learned transferee Judge, upon receipt of records, shall issue notices to the parties and proceed with the adjudication.

The 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.)