

Item No.20
16.05.2024
Court. No. 19
GB

C.O. 2128 of 2023

Indrani Chatterjee Chakravarty
Vs.
Debapriya Chatterjee

Mr. Subhrajyoti Ghosh

...for the Petitioner.

*Mr. Sabyasachi Mukherjee,
Mr. Syed Neaz Ahmed*

...for the Opposite Party.

The petitioner is the wife who seeks transfer of Matrimonial Suit No.1815 of 2022 from the court of the learned Additional District Judge, 3rd Court at Alipore to a court of competent jurisdiction at Kalyani within the District of Nadia.

The petitioner submits that she has a child who suffers from autism and has to undergo personal care and treatment all through the day. Travelling more than 70 kms. would be difficult for her. Leaving behind her child alone at home for extended periods, was impossible.

The husband objects to such transfer on the ground that compelling the husband to travel to Kalyani, leaving aside all his professional and personal engagements, would not be proper. He is a resident of Netaji Nagar in Kolkata.

Considering the situation of the wife/petitioner who has to look after a child with special needs and whose child is undergoing treatment, this Court is of the view that a place

convenient for both parties, should be fixed for adjudication of the matrimonial suit.

Accordingly, this Court is of the view that a competent court at Barrackpore should dispose of the matrimonial suit. Barrackpore is well connected by train from Sealdah or from Ballygunge station and the husband would not have any difficulty to travel to Barrackpore.

The learned District Judge, South 24 Pargans at Alipore is directed to transfer the Matrimonial Suit No.1815 of 2022 to the Court of the learned District Judge, North 24-Pargans, at Barasat.

The learned District Judge, North 24-Pargans, shall assign the suit to a competent court at Barrackpore. Upon receipt of the records, the transferee court shall issue notice to the parties and dispose of the suit in accordance with law.

Accordingly, the application is 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.)