

03.01.2024
Court No. 19
Item no.266
CP

C.O. No. 2086 of 2022

With

CAN 1 of 2022 (not in the file)

Sutapa Dutta

Vs.

Suprovat Dutta

Mr. Sujoy Sarkar
Mr. Rahul Chachan

.....for the petitioner.

Mr. Akash Dutta

....for the opposite party.

The petitioner/wife seeks transfer of Matrimonial Suit No. 70 of 2021 which is pending before the learned Additional District Judge, Fast Track, 1st Court Kandi, Murshidabad to the court of the learned District Judge, Suri, Birbhum.

It is submitted that the petitioner lives with a nine year old daughter and it is inconvenient for the petitioner to leave the daughter behind at home. It is further contended that the daughter has school and other commitments on account of co- curricular activities and, as such, the petitioner finds it hard to travel almost 300 kms on a particular day.

Learned advocate for the husband submits that it would not be proper for the court to direct the husband to travel a long distance, only because he has filed the matrimonial suit. The convenience of

the husband is also an important factor. That the wife has not made out any serious case of inconvenience.

Having considered the rival contentions of the parties and taking into account the contention of the husband, this court is of the view that a central point for both the parties would be ideal.

Under such circumstances, the learned District Judge, Murshidabad is directed to transfer the Matrimonial Suit No. 70 of 2021 to the court of the learned District Judge, Suri, Birbhum. The learned District Judge, Suri, Birbhum shall assign the suit to an Additional District Judge and/or any competent Judge at Rampurhat for adjudication of the suit, upon receipt of the records. The travel of the wife will be reduced by a few kilometers and the travel of the husband will be slightly increased.

Notices will be sent to the respective parties by the learned transferee court and the suit shall proceed in accordance with law and expeditiously.

The application is accordingly disposed of. With such disposal, the connected application shall stand also disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)