

15.04.2024
Sl. No.40(DL)
srm

C.O. No. 3307 of 2023

Smt. Joyeeta Das

Versus

Dipankar Das

Mr. Dilip Kumar Saha

...for the Petitioner.

Mr. Soumik Dey,
Mr. Subhomoy Paul

...for the Opposite Party.

The application has been filed by the wife for transfer of Matrimonial Suit No.204 of 2022, which is pending before the learned Additional District, Fast Track Court at Durgapur, Paschim Bardhaman, to the court of the learned Additional District Judge, 8th Court at Barasat, North 24-Parganas.

It is contended by the petitioner that she is unable to travel almost 175 kms. each way to attend the court at Durgapur. It is further submitted that an application for restitution of conjugal rights at the wife's instance is pending before the learned Additional District Judge, 8th Court at Barasat, North 24-Parganas being Matrimonial Suit No.2031 of 2022. It is submitted that the suit filed by the wife is a prior suit. The wife has stated that she lives with her aged parents and it is difficult for her to travel alone. The wife feels insecure

and could not find a proper and safe accommodation at Durgapur.

The learned Advocate for the husband opposes such prayer and submits that the wife had failed to attend her own suit and the transfer of the matrimonial suit would not enure to the benefit of the parties. The wife was not a diligent litigant since inception. It is further submitted that a place, convenient for both the parties, should be fixed by the Court.

Having heard rival contentions of the parties, this Court is of the view that both the suits should be tried analogously, by one court. The parties are the same, the issues will be similar, the evidence would also be on similar lines. Taking into consideration the wife's inconvenience and the fact that the husband has to attend many proceedings initiated by the wife at Barasat, this Court deems it fit that justice would be subserved if Matrimonial Suit No.204 2022 which is pending before the learned Additional District Judge, Fast Track Court at Durgapur, Paschim Bardhaman, is transferred to the court of the learned Additional District Judge, 8th Court at Barasat, North 24-Parganas, and both the suits being Matrimonial Suit No.204 of 2022 and Matrimonial Suit No.2031 of 2022 are decided analogously by the same Judge.

Under such circumstances, the learned District Judge, Paschim Bardhaman at Asansol, shall transfer the records of Matrimonial Suit No.204 of 2022 to the court of the learned District Judge, North 24-Parganas at Barasat. The learned District Judge, North 24-Parganas at Barasat, shall assign Matrimonial Suit No.204 of 2022 to the learned Additional District Judge, 8th Court at Barasat, North 24-Parganas. The learned Additional District Judge, 8th Court at Barasat, North 24-Parganas, shall decide both the suits analogously.

It is made clear that the transferee court, upon receipt of the records, shall issue notice upon the parties and the suit shall proceed in accordance with law, as the learned court deems it fit and proper. Both the suits shall be expedited and disposed of within a year from the date of receipt of records.

The application is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)