

S/L 1
30.7.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL APP JURISDICTION

CO 3837 of 2023

With

CAN 1 of 2024

Smt. Rakhi Bhowmik

Vs.

Sri Narayan Chandra Swar

Mr. Sharanya Chatterjee

Mr. Dipayan Dan

...for the Petitioner.

Mr. Subrata Bhattacharya

Mr. Indranuj Dutta

...for the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure.

The opposite party, the husband of the applicant has filed a matrimonial suit being the Matrimonial Suit No. 1503 of 2023 for dissolution of his marriage with the applicant by a decree of divorce.

The said suit is pending before the 2nd Court of learned Additional District Judge, Fast Track Court, Barrackpore, District-24 Parganas(North).

The applicant is praying withdrawal of the said suit from the said Court and transfer of it to the Court of learned Additional District Judge at Raiganj, District- Uttar Dinajpur *inter alia* on the grounds that she is residing in Raiganj, as such it would be very difficult for her to travel a distance of 400 kilometres to Barrackpore to contest the said matrimonial suit, moreover, she has instituted a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 as well as a proceeding under Section 125 of the Code of Criminal Procedure, 1973 before the competent Courts at Raiganj.

The inconvenience pleaded by the applicant in attending to contest the said suit cannot be ruled out, however,

on the other hand, if the prayer of the applicant is allowed, the opposite party, who is an employee of the Meteorological Department and is currently posted at Dum Dum, would also face inconvenience to pursue the said Matrimonial Suit.

Therefore, considering the balance of convenience and inconvenience of both the parties, this Court is of the opinion that Berhampore which is midway between Dum Dum and Raiganj, would be the appropriate place to transfer the said matrimonial Suit, therefore, let the Matrimonial Suit No.1503 of 2023 be withdrawn from docket of the 2nd Court of learned Additional District Judge, Fast Track Court at Barrackpore, District- 24 Parganas(North) and be transferred to the Court of learned District Judge, Murshidabad at Berhampore.

Parties are directed to appear before the learned District Judge, Murshidabad with the website copy of this order **on August 19, 2024** for the follow-up steps. The applicant is obliged to file her written statement **within a period of two weeks** from the said date.

The learned District Judge, Murshidabad, upon such transfer, may try and dispose of the said suit himself or may transfer it to any court under his Judgeship competent to try and dispose of it. The said suit, after transfer, shall proceed from the stage at which it has already reached.

The Department is directed to communicate this order to the 2nd Court of learned Additional District Judge, Fast Track Court, Barrackpore, District-24 Parganas(North) as well as to the Court of learned District Judge, Murshidabad at Berhampore.

CO 3837 of 2023 and the connected application being CAN 1 of 2024 are thus disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)