

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

CO 28 of 2024

**Moumita Chatterjee
-versus-
Abir Deb**

Mr. Satyam Mukherjee,
Mr. Debajit Kundu
... for the petitioner.

This is an application under Section 24 of the Code of Civil Procedure, 1908 (in short, “CPC”) for transfer of the Matrimonial Suit No.452 of 2022 now pending before the Court of the learned Additional District & Sessions Judge, Fast Track Court at Siliguri to the Court of the learned District Judge, North 24-Parganas at Barasat. The grounds of transfer are as follows:-

The petitioner and the opposite party after solemnization of their marriage started residing at Siliguri in district Darjeeling. By virtue of the marriage having taken place at Siliguri and also at Jalpaiguri at the respective places of residence of the parties at the relevant point of time, the District Court of Darjeeling as also the District Court at Jalpaiguri are the competent forum where the matrimonial suit could have been instituted. The suit has been instituted at Siliguri since the opposite party/husband resides thereat.

The petitioner says that the petitioner is presently residing at Maa Durga Apartment, 4th Floor, Flat No. – 4B at premises no.250, Dum Dum Park (hereinafter referred to as the said premises), Police Station – Lake Town, District – North 24-Parganas, Kolkata – 700055 with her 8 years old daughter and the widowed mother from 1st July, 2022. The petitioner has also relied upon a leave and licence agreement dated 1st July, 2022 to demonstrate that she resides at the said premises. The petitioner says that she is presently working with Bandhan Bank and is posted in and around Kolkata. It will be, therefor, inconvenient to travel to Siliguri with her minor daughter leaving her widowed mother at Kolkata. The petitioner also apprehends that the opposite party, being a resident of Siliguri, may create unpleasant situation for the petitioner on her visit to Siliguri for defending the case.

It appears from the record that the revisional application was admitted on 20th February, 2024. On 4th April, 2024 Mr. Alok Sah, learned advocate appeared on behalf of the opposite party. No one since then has appeared on behalf of the opposite party.

It is submitted on behalf of the petitioner that the opposite party is represented by Ms. Sukanya Adhikari.

No one appears on behalf of the opposite party to oppose the prayer of transfer.

The chain of events also shows that the opposite party is reluctant in getting the civil revisional application brought to a logical conclusion.

The matter is, therefor, taken up in the absence of the opposite party/husband. The balance of convenience and inconvenience with regard to the transfer of the suit as prayed for is in favour of the petitioner. The husband/opposite party will face less inconvenience to go and proceed with the suit at Barasat jurisdiction than the wife coming to Siliguri to defend the suit. The apprehension of the petitioner/wife is also not unfounded.

In the aforesaid facts and circumstances, the Matrimonial Suit No.452 of 2022 (Abir Deb vs. Moumita Chatterjee) is directed to be transferred from the Court of the Additional District & Sessions Judge, Fast Track Court at Siliguri to the Court of the learned District Judge, North 24-Parganas at Barasat for being placed before the jurisdictional Judicial Officer as may be found proper by the learned District Judge, North 24-Parganas.

The registry of Additional District & Sessions Judge, Fast Track Court at Siliguri is directed to transmit all records and documents pertaining to Matrimonial Suit 452 of 2022 to the Court of the learned District Judge, North 24-Parganas at Barasat.

The next date of the Matrimonial Suit No.452 of 2022 is fixed before the learned District Judge at Barasat on 12th July, 2024.

Nothing further remains to be adjudicated in this revisional application. CO 28 of 2024 is accordingly disposed of.

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

(Arindam Mukherjee, J.)