

Ct. No.
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09.07
2024

**IN THE CIRCUIT BENCH OF CALCUTTA
HIGH COURT AT JALPAIGURI
Civil Revisional Jurisdiction**

C.O. 79 of 2024
Smt. Iti Bachhawat Nee Jain
-Versus-
Sri Sandeep Jain

Mr. Sunny Nandy

...For the Petitioner

Mr. Avrojoyti Das
Mr. Rajdeep Das

...For the Opposite Party

This is an application under Section 24 of the Code of Civil Procedure, wherein the petitioner has sought for transfer of Matrimonial Suit No. 96(3) of 2023 pending before learned Additional District Judge, Fast Track Court at Siliguri to the Court of the learned District Judge at Barasat, North 24-Parganas. Petitioner in her application contended that she was married with opposite party on 20th April, 2008 and due to such wedlock one male child was born, who is in the custody of the petitioner/wife.

It is alleged in the petition that in July, 2018, petitioner along with her minor child was driven out from her matrimonial home by the opposite party as well as by her in-laws. Thereafter, the petitioner was compelled to take shelter at her paternal home at Bidhannagar, Kolkata.

It is further submitted that the plaintiff/opposite

party/husband all on a sudden filed the aforesaid matrimonial suit seeking dissolution of marriage before the Siliguri Court.

Petitioner submits that she has no independent source of income of her own and the opposite party had deliberately and expressly neglected to maintain the petitioner and her son. She further submits that the distance of her present place at Bidhannagar and the Siliguri Court is about 600 kms. in one way and she is the custodian of her minor child and there is no other person to look after her minor child. She further submits that she is facing difficulty in attending the aforesaid proceeding at Siliguri Court and accordingly she has sought for aforesaid transfer.

Learned Counsel appearing on behalf of the opposite party has brought to my notice that the petitioner in her application in paragraph 18 has contended that she does not have any relations at Siliguri, which is an incorrect statement. Opposite party controverted the same by filing affidavit-in-opposition, where the opposite party has clearly averred that her own full-blooded elder sister is residing at Siliguri and in support of such statement he has also annexed documents.

However, Mr. Das, learned Counsel appearing

on behalf of the opposite party during course of hearing gave a proposal, relying upon the decision delivered by the Hon'ble Apex Court in the case of *Anindita Das Vs. Srijit Das*, reported in (2006) 9 SCC 197 that he is agreeable to send in advance to the petitioner, money for purchasing 2nd class AC train ticket for herself and a companion and he is also agreeable to pay stay expenses of the petitioner and her companion in a 3-star hotel, whenever she will be required to come to for the purpose of defending herself in the said suit.

Mr. Sunny Nandy, learned Counsel appearing on behalf of the petitioner accepted such proposal.

In such view of the matter, the present C.O. 79 of 2024 is hereby disposed of with a direction upon the opposite party that he will send in advance to the petitioner, money for a 2nd class AC train ticket for herself and a companion and he will pay in advance stay expenses of the petitioner and her companion in a 3-star hotel on each and every occasion when the petitioner will be required to come to Siliguri to defend herself in the aforesaid proceeding.

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

(*Ajoy Kumar Mukherjee, J.*)