

S/L - 2
29.11.2024
Court. No. 3
S.Kundu

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

C.O. 104 of 2024
With
CAN 2 of 2024
Smt. Shipra Sarkar @ Sipra Sarkar
Vs.
Sri Ratan Kumar Saha

Ms. Madhushri Dutta

...for the petitioner.

Mr. Bapi Sarkar,
Mr. Chayan Moni Bhowal

...for the opposite party.

1. This is an application under Section 24 of the Code of Civil Procedure whereby the petitioner who is the wife has sought for transfer of the Matrimonial Suit No. 501 of 2023 pending before the learned Additional District Judge, 1st Fast Track Court, Jalpaiguri to the Court of the learned District Judge at Raiganj, Uttar Dinajpur.
2. It is the petitioner's case that the marriage between the parties was solemnised on 7th February, 2022. Unfortunately, in September, 2023 her husband instituted the aforesaid suit praying for a decree for divorce. The petitioner would claim that she had been suffering both mentally and physically at the hands of the opposite party and the family members of the opposite party had forced the petitioner to leave the matrimonial home.

Although, attempts were made to resolve the dispute amicably for the petitioner to resume the conjugal life, such attempts did not succeed.

3. Ms. Dutta, Learned advocate for the petitioner would submit that a proceeding under Section 498A of the Indian Penal Code, 1860 is pending before the Court of learned Additional Chief Judicial Magistrate, Islampur. It is also submitted that in order to travel from Dalkhola where the petitioner is presently residing to the learned Court at Jalpaiguri, it takes about four hours by road and is approximately 165 k.m. from the petitioner's residence (one way). She does not have any source of income and the opposite party has not provided the petitioner with any maintenance.
4. On the other hand, the learned advocate for the opposite party would submit that the opposite party would also be facing serious problem to travel 165 k.m., in the event the matrimonial suit is transferred to Raiganj. He would submit that this Court may be pleased to transfer the aforesaid suit to the Court of the learned Additional District Judge at Islampur which is situated approximately 65 k.m. from Siliguri where the opposite party resides. According to him the learned Court at Islampur would also be convenient for the petitioner to attend as the learned Court at

Islampur, is situated approximately 65 k.m. from the present place of residence of the petitioner. He would also submit that opposite party is ready and willing to bear the travelling expenses up to Rs.2500/- which the opposite party considers as reasonable.

5. Ms. Dutta, learned advocate appearing for the petitioner would, however, submit that Rs.2500/- would be on the lower side and considering the present day cost of travel, at least Rs.3000/- should be fixed.
6. Having heard the learned advocates appearing for the respective parties and considering the convenience and inconvenience of both parties especially the petitioner and for the ends of justice, taking note of the fact that the petitioner is willing to bear conveyance for the petitioner to travel from her residence to the learned Court at Islampur where the proceedings under Section 498A of the Indian Penal Code is pending, I am of the view that in the interest of justice the Matrimonial Suit No. 501 of 2023, now pending before the Court of learned Additional District Judge, 1st Fast Track Court, Jalpaiguri be transferred to the Court of the learned Additional District Judge at Islampur, Uttar Dinajpur. The opposite party shall pay for the conveyance of the petitioner, for travelling from

her residence to the Court at Islampur on the dates fixed by the learned Court. Such payment must be made on the date fixed and the hearing of the case shall continue subject to payment of Rs.3000/- which this Court feels reasonable towards conveyance charges.

7. Considering the fact that the matrimonial suit is pending since September, 2023 and taking note of the submissions made by the parties that the matter is at present proceeding without the written statement, on the prayer of the learned advocate for the petitioner, I grant liberty to the petitioner to file written statement within a period of six weeks from date, or upon receipt of the records of the case before the Court of the learned Additional District Judge at Islampur, Uttar Dinajpur, whichever is later. Let the records of the case now pending before the learned Additional District Judge, 1st Fast Track Court, Jalpaiguri be transferred to the Court of the learned Additional District Judge, Islampur, Uttar Dinajpur.
8. The connected application being CAN 2 of 2024 seeking extension of the interim order having become infructuous is accordingly disposed of. It is expected that no unnecessary adjournments shall be granted to the parties.

9. The learned Registrar shall communicate the aforesaid order to the Court of the learned Additional District Judge, 1st Track Court, Jalpaiguri and to the Court of the learned Additional District Judge at Islampur, Uttar Dinajpur.
10. Accordingly, the aforesaid application under Section 24 of the Code of Civil Procedure stands disposed of.
11. The parties are to act on the basis of server copy of this order duly downloaded from the Official Website of this Court.

(Raja Basu Chowdhury, J.)