

Ct. No. 12.08
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Civil Revisional Jurisdiction**

C.O. 107 of 2024

**Satabdi Sarkar
-Versus-
Bhaskar Dey**

**Mr. Subhasish Misra
Mr. Satyajit Paul**

...For the Petitioner

Affidavit-of-service filed on behalf of the petitioner is taken on record. In spite of service, opposite party is not represented.

This is an application wherein the petitioner has sought for transfer of the proceeding, being Mat. Suit 675 of 2023 from the Court of learned District Judge at Jalpaiguri to the Court of learned Additional District Judge, Tufanganj, Coochbehar.

It is contended on behalf the petitioner that the petitioner was married with the opposite party. The opposite party thereafter instituted a case under the provisions of Section 9 of the Hindu Marriage Act, 1955 against the petitioner herein, being the aforesaid Matrimonial Suit No. 675 of 2023 before learned District Judge Jalpaiguri. Under compelling circumstances, petitioner was forced to leave her matrimonial home and presently residing at her parents' house at Tufanganj, Coochbehar.

Learned Counsel appearing on behalf of the petitioner submits she is the mother of a female child aged about 2 years and she is to look after her mother, who is an aged person. She is the only caretaker of the child and her mother and it is very much difficult for her to appear and contest the aforesaid Matrimonial proceeding from the Jalpaiguri Court. She further submits that the distance between her present place of residence and the Court at Jalpaiguri is about 116 kms. and it takes about 3 hours journey in one way and she is facing lot of inconveniences in travelling the said journey. Accordingly she has sought for aforesaid transfer.

Upon hearing the learned Counsel appearing on behalf of the petitioner and on the basis of unchallenged averments made by the petitioner in the present application for transfer of the proceeding and also considering the fact that while considering such prayer the convenience of the petitioner/wife is of paramount consideration and that the inconveniences likely to be faced by the petitioner wife in travelling aforesaid long distance along with her baby is much more than the inconveniences that might have been faced by the husband/opposite party herein, it is expedient

and desirable in the interest of justice that the prayer for transfer ought to be allowed.

The application, being C.O. 107 of 2024 is allowed.

Learned District Judge, Jalpaiguri is hereby directed to withdraw the Mat. Suit No. 675 of 2023 from his file and to transmit the same to the Court of learned District Judge, Coochbehar within a period of three weeks from the date of communication of this order, who in turn will transmit the same to the Court of Additional District Judge, Tufanganj, Coochbehar, having jurisdiction to try the same, within a period of three weeks thereafter.

The transferee Court shall hear the aforesaid proceeding from the stage where it reached till date. The transferee Court shall hear the matter after serving notice upon both the parties intimating the next date of hearing.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)

