

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

CO 164 of 2025

**Smt. Shiuli Kumbhakar
versus
Sri Bidyasagar Kumbhakar**

For the petitioner : Mrs. Shohini chakraborty
For the O.P : Mr. Sounak Bhattacharya
Mr. Abhirup Haldar
Heard on : 22.12.2025.
Judgment on : 22.12.2025

Raja Basu Chowdhury, J (Oral):

1. The present revisional application has been filed, inter alia, praying for a transfer of the pending Guardianship case being case No. 15 of 2024 pending before the learned District Court, Purulia, District-Purulia for being transferred to the Court of learned District Judge at Bankura, District-Bankura.
2. According to the case made out in the petition, the petitioner was married to the opposite party on 5th March, 2015 as per Hindu Rites and Customs. After such marriage was solemnized, the petitioner started living as husband and wife at their residential address at Purulia. Out of their wedlock, the petitioner had given

birth to a female child and a male child. Records reveal that there was matrimonial discord and the petitioner had moved out of her matrimonial home and had started residing in her parental home along with her two minor children. Subsequently, the petitioner claims that she was served with summons of an application under Section 6 read with Section 13 of the Hindu Minority and Guardianship Act, 1966 and an application under Section 7 of the Guardianship and Wards Act, 1890 being the Guardianship case No. 15 of 2024 by the office of the learned District Judge at Purulia whereunder a prayer was made for appointing the opposite party as the guardian of the minor children.

3. According to the petitioner, by reasons of the irreconcilable difference of the petitioner with the opposite party, a proceedings under Section 13 (1)(ia) of the Hindu Marriage Act, 1955 was filed by the petitioner before the learned Family Judge, Bankura on 27th August, 2024 which was registered as matrimonial suit No. 176 of 2024. The petitioner would contend that at present she is residing at a rented accommodation in Bankura and as such she is facing extreme difficulty to attend and contest the guardianship application before the learned District Judge at Purulia. Under such circumstances, the instant application under Section 24 of the Code of Civil Procedure has been filed.

4. Mrs. Chakraborty, learned advocate appears for the petitioner while Mr. Bhattacharya learned advocate appears for the opposite party.
5. Having heard the learned advocates appearing for the respective parties and in response to a query from the Court, Mr. Chakraborty on instructions has submitted that the petitioner is ready and willing to provide visitation twice a month for the elder female child and once a month for the minor male child to the opposite party.
6. Mr. Bhattacharya, on instructions would agree to the same. In the light of the above, I am of the view that the modalities as regards the visitation, may be finalized by the learned Trial Court as provided for in the later part of this judgment.
7. Coming back to the transfer application at hand, I find that the petitioner is at present residing with her two minor children at Purulia and ordinarily, it is difficult for her to travel from her residence at Bankura to the learned Court at Purulia which is approximately 70 k.m. away from her residence (one way), especially when she is at present having custody of the minor children. Further the parties are also contesting the matrimonial suit before the Family Court at Bankura.
8. Having regard thereto, and considering the balance of convenience, I direct the learned District Judge, Purulia to transfer the records of the Guardianship case No. 15 of 2024 from

Purulia to the Court of learned District Judge at Bankura on expeditious basis. The aforesaid order is being passed by taking note of the peculiar facts and upon considering the best interest of the minor children.

9. The learned District Judge at Bankura shall decide on the modalities for visitation upon the transfer of the records at Bankura.
10. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)

**Sayandeep
A.R. (Court)**