

M/L- 122 & 123
18/03/2025
Ct. No.-6
Aritra

C.O. 299 of 2022
Sankar Karmakar
Vs.
Debjani Karmakar nee Das
With
C.O. 2494 of 2022
Debjani Karmakar nee Das
Vs.
Sankar Karmakar

Mr. Soumik Ganguly
Mr. Dilip Kumar Sadhu
Ms. Chandana Chakraborty
...for the petitioner
(in CO 299/2022)

Mr. Sarbananda Sanyal
Mr. Poulami Chakraborty
....for the petitioner
(in CO 2494/2022) &
for the opposite party
(in CO 299/2022)

CO 299 of 2022 is at the instance of the husband praying for transfer of the Matrimonial Suit No.16 of 2021 filed by the wife, which is presently pending before the learned Additional District Judge, Lalbagh, District-Murshidabad to the Court of the learned District Judge, South 24 Parganas at Alipore or any other Court for disposal.

CO 2494 is at the instance of the wife praying for transfer of the Matrimonial Suit No.103 of 2022 filed by the husband, which is presently pending before the learned Additional District & Sessions Judge, 1st Court at Sealdah to the Court of the learned Additional District Judge, Lalbagh, District-Murshidabad.

It is the contention of the wife that she is residing at Village-Sahapur under Police Station-Jiaganj in the district of Murshidabad and it is very difficult for her to attend the Sealdah Court to defend the Matrimonial Suit No.103 of 2022.

Mr. Sanyal, learned advocate appearing for the petitioner (in CO 2494 of 2022) submits that the husband is regularly visiting Berhampore to exercise his visitation rights over the minor son.

Mr. Ganguly, learned advocate appearing for the petitioner (in CO 299 of 2022) submits that it very difficult for the husband to contest the matrimonial proceeding at Lalbagh Court as the brother of the wife is giving out threats to the husband. Though such is the allegation of the husband but no complaint has been disclosed in the said application. No material has also been produced before this Court in support of the contention that there is refusal on the part of the concerned authority to accept such complaints. Mr. Ganguly further submits that since the husband is residing at Shyam Bazar, it is very difficult to attend the Lalbagh Court as there is no direct communication from Sealdah to Lalbagh.

However, taking into account the fact that the husband is regularly visiting Berhampore to meet his minor son, this Court is of the considered view that the

matrimonial suits filed by the respective parties should be transferred to the learned District Judge, Murshidabad.

Accordingly, the Matrimonial Suit No.16 of 2021 shall stand withdrawn from the file of the learned Additional District Judge, Lalbagh and the same be transferred to the learned District Judge, Murshidabad. The Matrimonial Suit No.103 of 2022 also stands withdrawn from the learned Additional District & Sessions Judge, 1st Court, Sealdah and the same be transferred to the learned District Judge, Murshidabad.

The learned Additional District Judge, Lalbagh and the learned Additional District & Sessions Judge, 1st Court at Sealdah are directed to transmit the records of Matrimonial Suit No.16 of 2021 and Matrimonial Suit No.103 of 2022, respectively to the Court of the learned District Judge, Murshidabad immediately upon receipt of a server copy of this order. Upon receipt of the records the learned District Judge, Murshidabad shall assign the aforesaid matrimonial suits to any of the learned Additional District Judge and upon such transfer the transferee Court shall proceed with the hearing of the matrimonial suits in accordance with law.

With the above observations and directions CO 299 of 2022 and CO 2494 of 2022 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)