

Item No.- 55
20.05.2025
Court No. 652
Rohan

**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

CO 800 of 2023

**Mamoni Bhadra (Das)
Versus
Bablu Bhadra**

Mr. Sibaji Kr. Das,
Ms. Deblina De.

... for the petitioner

The present petition has been filed for transfer of Matrimonial Suit No. 2843 of 2022 pending in the Court of learned Additional District Judge, 1st Court at Barasat, North 24-Parganas to the Court of learned Additional District Judge, Kalyani, Nadia.

In compliance of the order dated 21st March, 2023, copy of the application has been served to the opposite party. The affidavit of service has also been filed.

The plea of the petitioner is that she is a house-wife and has no independent source of income. The petitioner has also to look after her minor child and it would be very inconvenient for her to defend the case at Barasat. It has also been stated that the petitioner has filed a petition under Section 125 of the Cr.P.C. at Kalyani. Similarly, a criminal case under Section 498A/34 of IPC is also pending before the learned Additional Chief Judicial Magistrate, Kalyani.

The opposite party has chosen not to appear despite being served.

In matrimonial proceedings, generally the convenience of the wife is to be seen except in the exceptional circumstances where request for transfer is motivated by mala fide. There is nothing on the ground to suggest this. Hence, taking into account the facts and circumstances, the Matrimonial Suit No. 2843 of 2022 filed under Section 13 of the Hindu Marriage Act, 1955 is withdrawn from the Court of the learned Additional District Judge, 1st Court at Barasat, North 24-Parganas and assigned to the Court of the learned Additional District Judge, Kalyani, Nadia.

The Transferrer Court is directed to send the record to the Transferee Court.

Copy of the order is to be send to the Transferee Court by the Transferrer Court.

Let a copy of the order be served upon the opposite party and learned advocate representing the opposite party before the Trial Court.

The revisional application is accordingly **disposed of.**

(Dinesh Kumar Sharma, J.)