

01.05.2025

Court No.652
Sl. No.10
Mujahid

CO 851 of 2023

**Smt. Saneka Mitra @ Saneka Sikder
Vs.
Dinonath Siker**

Mr. Uday Sankar Chattopadhyay,
Mr. Rajashree Tah,
Ms. Aiswarya Datta

...for the petitioner

Mr. Debarshi Brahma,
Mr. Subarna Banik

...for the opposite party

Affidavit of service filed by the petitioner is taken on record.

Learned counsel for the petitioner submits that inadvertently in the petition of cause title 'Burdwan' has been written instead of 'Purba Bardhaman'.

Present petition has been filed for transfer of Matrimonial Suit No.652 of 2022 pending before the learned Additional District Judge, Fast Track Court at Ranaghat, Nadia to the jurisdictional court of learned District Judge, Purba Bardhaman.

Learned counsel for the petitioner submits that petitioner is working as constable and now posted at Burdwan S.P. Office at Purba Bardhaman.

Learned counsel submits that it will be very difficult for the petitioner to travel all the way to Nimo

to Ranaghat Court. Learned counsel for the petitioner further submits that the husband/opposite party is working in Armed Forces and presently posted at Secunderabad. Learned counsel further submits that even for the husband it will be convenient to travel to Burdwan as there are many places as compared to Ranaghat, Nadia.

Learned counsel for the opposite party on instruction has opposed the transfer. Learned counsel submits that there is no other case pending between the parties and there is no impediment for the petitioner in attending the case at Nadia. Learned counsel further submits that the averments made in the petition are also false and fabricated.

It is pertinent to mention that the Hon'ble Apex Court in **N.C.V. Aishwary vs. A.S. Saravana Karthik Sha** passed in **Civil Appeal No.4894 of 2022**, inter alia, held as under:-

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is

the wife's convenience which must be looked at while considering transfer.”

While entertaining the transfer application in matrimonial dispute generally the court looks at the convenience of the wife except in the exceptional circumstances where prayer for transfer is mala fide or perverse.

In the present case, there is nothing on record to suggest the prayer of the petitioner/wife for transfer of the case is mala fide or perverse.

In the facts and circumstances, Matrimonial Suit No.652 of 2022 pending before the learned Additional District Judge, Fast Track Court at Ranaghat, Nadia is withdrawn and transferred to the jurisdictional court, Purba Bardhaman.

Accordingly, CO 851 of 2023 is disposed of.

Copy of the order be sent to the transferee court.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Dinesh Kumar Sharma, J.)