

29.07.2025

Court No.25

Sl. No.5
Mujahid

CO 1378 of 2024

**Sweety Sharma
Vs.
Badsa Banerjee**

Mr. Gangadhar Das,
Mr. Tanmay Chattopadhyay

...for the petitioner

1. Present petition has been filed for transfer of Matrimonial Suit No.4 of 2024 filed by the opposite party/husband from the court of learned Additional District and Sessions Judge, Durgapur, District – Paschim Bardhaman to the court of learned District Judge, Alipore, District – South 24 Parganas.

2. The petitioner submits that she is residing at Kolkata and, therefore, it would be very inconvenient to her to travel to Durgapur to contest the matrimonial suit. It has also been submitted that other proceedings are pending between the parties before the competent court at Alipore.

3. The court finding a prima facie case granted the interim stay vide order dated 29th July, 2024 it was extended from time to time. The petitioner has duly served the opposite party and the learned advocate. Affidavit of service has been filed. However, the opposite party has chosen not to appear despite

being served several times today also. Affidavit of service has been filed. Since the opposite party has chosen not to appear, the court proceeds to dispose of the case on merits.

4. The petitioner states that since December, 2023 she had been living with her parents at Netaji Nagar, District – Kolkata. It has been submitted that the present matrimonial suit has been filed only to harass the petitioner/wife. It has further been submitted that there is a distance of more than 180 k.m. between the residence of the petitioner and the court at Durgapur. It has been further submitted that there is no direct mode of transport from her home to Durgapur. In the matrimonial cases if the request of transfer of case is made by the wife, generally the convenience of the wife is seen except in the cases, there is some mala fide or perversity. The opposite party/husband has not come forward to contest the matter. The record did not reveal any perversity or mala fide on the part of the petitioner.

5. In the circumstances, the Matrimonial Suit No.4 of 2024 is withdrawn from the learned Additional District and Sessions Judge, at Durgapur, District – Paschim Bardhaman and assigned for trial in accordance with the law to the learned District Judge, Alipore, District South 24 Parganas. Copy of the order be sent to the transferor court and the

transferee court. Petitioner shall also send the copy of this order to the opposite party/husband and his learned advocate.

6. Petition stands disposed of.

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

(Dinesh Kumar Sharma, J.)