

28.10.2025

Sl no. 63

Ct no. 25

P.M.

C.O. 1666 of 2025

Moumita Sarkar

- Vs -

Debasis Das

Mr. Pawan Kumar Gupta,
Ms. Safia Nesar,
Mr. Santanu Sett,
Mr. Saif Ali Ansari
... for the petitioner.
Ms. Sudeshna Maji
... for the respondent.

The present petition has been filed for transfer of Matrimonial Suit No. 75 of 2024 from the Court of learned Additional District Judge, Chanchal Malda to the Court of learned District Judge Uttar Dinajpur at Raiganj.

Learned counsel for the petitioner submits that the petitioner had already been filed an application under Section 12 of the Domestic Violence Act bearing C.R. Case 378 of 2019 which is pending before the learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj.

Learned counsel submits that opposite party is duly contesting the same. Learned counsel submits that present petition has been filed to harass the petitioner.

Learned counsel for the opposite party has vehemently opposed the transfer application.

Learned counsel submits as placed on record that the certificate issued by North Bengal State Transport Corporation to show that there is a distance of only 45 km. between Raiganj to Chanchal and it takes 1.45 hours maximum to cover the distance by passenger vehicle. Learned counsel further submits that opposite party is suffering from peptic ulcer and it will be difficult for him to travel to Uttar Dinajpur. Learned counsel further submits that opposite party is a contractual employee and if he takes regular leave he may lose his job.

The Court has considered the submission and it is not disputed that Domestic Violence Act was lodged by the wife/ petitioner in the year 2019 which is being contested by the opposite party/husband.. In the case of transfer of matrimonial proceeding generally convenience to wife is seen unless and until the same is malafide. The Court does not see any malafide in the proceeding.

In the circumstances the Misc Case No. 07 of 2025 (Guardian and Wards Act) is withdrawn from the learned District Judge, Malda and assign to the Court of learned District Judge, Uttar Dinajpur, Raiganj for disposal in accordance with law.

However, in order to balance the convenience and taking into account the medical condition of the opposite party, as stated by learned counsel, learned Trial Court shall not insist the personal appearance of the opposite party/husband except in the situation the presence of opposite party is necessary. Opposite party may also appear through video conference before the learned Trial Court. The transferrer court is directed to send the entire record to the transferee court. Copy of the order sent to the transferer Court and transferee Court.

This revision petition is disposed of

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Dinesh Kumar Sharma, J.)