

D/L- 31
18/02/2025
Ct. No.-6
Aritra

C.O. 2088 of 2024

**Soma Das
Versus
Somnath Das**

Mr. Sandipto Bose
Ms. Urbi Roy
...for the petitioner

Mr. Sujoy Sarkar
Ms. Sneha Srivastava
Ms. Debolina Goswami
....for the opposite party

This application under Section 24 of the Code of Civil Procedure is at the instance of the wife praying for transfer of the Matrimonial Suit No.302 of 2023 presently pending before the learned Additional District Judge at Durgapur to the learned District Judge at Alipore.

The petitioner claims to be residing under Police Station-Sonarpur in the District of South 24 Parganas. The petitioner further claims that she is working at Quest Mall and for such reason it is very difficult for the petitioner to contest the proceeding before Durgapur Court.

The learned advocate for the opposite party vehemently opposes the prayer for transfer. He submits that initially the petitioner filed a proceeding under the Domestic Violence Act before the learned Chief Judicial Magistrate at Baruipur. Subsequently, the petitioner has filed a proceeding under Section 125 of the Criminal

Procedure Code before the learned Judicial Magistrate, 10th Court at Alipore. He submits that in order to harass the opposite party herein, the petitioner is instituting frivolous litigations before different forum.

However, taking into consideration the fact that a proceeding under Section 125 of the Criminal Procedure Code is pending at Alipore and the petitioner has to come to Alipore to contest the said proceeding, this Court is of the considered view that taking into consideration the convenience of the wife the matrimonial suit should be transferred from the Court of the learned Additional District Judge at Durgapur to the learned Additional District Judge at Alipore.

In view thereof the Matrimonial Suit No.302 of 2023 which presently pending before the learned Additional District Judge at Durgapur shall stand transferred to the Court of learned District Judge at Alipore, South 24 Parganas.

The learned Additional District Judge at Durgapur is directed to transmit the records of the aforesaid matrimonial suit to the learned District Judge, South 24 Parganas at Alipore immediately upon communication of this order. Upon receipt of the records of the aforesaid matrimonial suit the learned District Judge shall assign the matrimonial suit to any of the Additional District Judge at Alipore.

With the above observations and directions CO 2088 of 2024 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.)