

16.06.2025
Item No.11

Court No.25
sg

C.O. 2872 of 2024

**Purba Banerjee
Vs.
Sri Arijit Das**

Mr. Kaushik Chatterjee

....for the petitioner.

1. Present petition has been filed for transfer of Matrimonial Suit No. 248 of 2024 under Section 27 of Special Marriage Act, 1954 from the Court of Learned Judge, Family Court, Tamluk, Purba Medinipur to the Court of Learned Additional District Judge, Alipore for disposal in accordance with law.
2. Learned counsel for the petitioner submits that petitioner is residing in the jurisdiction of Alipore Court. Learned counsel further submits that the other two litigations that the petitioner had already filed petitions under Section 125 of the Cr.P.C. for maintenance petition under Section 12 read with Section 23(2) of the Domestic Violence Act which is pending before the Alipore Court.
3. Learned counsel submits that petitioner is a young housewife and it will be very difficulty for her to go to Family Court, Tamluk, Purba Medinipur.

4. Learned counsel submits that petitioner is presently residing at Bansdroni which falls within jurisdiction of Alipore Court.

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

6. Learned counsel for the opposite party has opposed the transfer on the ground that the respondent/husband had recently lost his mother. Learned counsel further submits that respondent/husband has an aged father who is also suffering from various medical complications.

7. Learned counsel further submits that in order to balance the interest, the present petition may be transferred to Howrah Court which will be equal distance for the petitioner/wife and the respondent/husband.

8. I have considered the submissions. Generally in transfer of matrimonial proceeding, it is to be seen that whether the wife would be in a position to contest the proceedings and it should not be tool of harassment for her. The transfer can very well be declined if, it is motivated by mala fide or perversity.

9. In the present case, admittedly the petitions under Section 125 and D.V. Act is already pending before Alipore Court. The respondent/husband

must be contesting the same. Therefore, if the respondent/husband is asked to face another proceeding in Alipore, there will not be any inconvenience. Rather, it would be inconvenient if the husband is asked to contest this proceedings at Howrah.

10. In the facts and circumstances, in view of the discussion herein above Matrimonial Suit No. 248 of 2024 under Section 27 of Special Marriage Act, 1954 is transferred from the Court of Learned Judge, Family Court, Tamluk, Purba Medinipur to the Court of Learned Additional District Judge, Alipore for disposal in accordance with law.

11. The transferor Court is directed to send the entire records to the transferee Court.

12. Hence, petition stands disposed of.

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

(Dinesh Kumar Sharma, J.)