

30.07.2025

Sl no. 99

Ct no. 25

P.M.

C.O. 2730 OF 2023

Sampa Biswas (Dutta)

- Vs -

Prabir Biswas.

Mr. Shibaji Kumar Das,
Ms. Deblina De
... for the Petitioner
Mr. Sudipta Dasgupta,
Ms. Sinjini Chakraborti
... for the respondent.

1. The present petition has been filed for transfer of Matrimoial suit No. 124 of 2023 under Section 13 of the Hindu Marriage Act from the Court of Learned Additional District Judge Fast Tract Court No. III, Krishnagar, District Nadia to the Court of the learned Additional District Judge, Kalyani, District Nadia.
2. Learned counsel for the petitioner submits that the Court at Krishnagar is around 60 km away from the residence of the petitioner and therefore, it will be very inconvenient for the petitioner to travel Krishnagar Court.
3. Learned counsel for the opposite party has opposed the request for transfer. Learned counsel submits that only for the convenience of the petitioner the matter cannot be transferred as the Court has to exercise the

discretion which is “expedient in the interest of justice”. Reliance has been placed upon **Indian Overseas Bank, Madras Vs Chemical Construction Company & Ors. (1979) 4 SCC 358.**

4. It is the settled proposition that in case of transfer of matrimonial case at the instance of the wife generally convenience of the wife is seen unless the same is found to be perverse or malafide. There is nothing on the record to suggest that there is any malafide or perversity on the part of the wife.
5. The Court is also of the view that as both the transferer court and transferee court are in the same district there shall be not any prejudice or much inconvenience to the opposite party/husband..
6. Hence this transfer petition is allowed.
7. Matrimonial suit No. 124 of 2023 is withdrawn from the learned Additional District Judge, Fast Track Court No. III, Krishnagar, District Nadia and assigned for disposal in accordance with law to the Court of learned Additional District Judge, Kalyani, District Nadia. Copy of

the order sent to the transferer Court and transferee Court.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Dinesh Kumar Sharma, J.)