

05.05.2025

Court No.652
Ml. 15
Mujahid

CO 3202 of 2023

**Debangana Banerjee
Vs.
Nilanjan Mazumdar**

Mr. Debraj De,
Mr. Rashin Singh

...for the petitioner

Mr. Shyamal Kr. Das,
Mr. Pronojit Roy

...for the opposite party

Present petition has been filed for transfer of Matrimonial Suit No.181 of 2023 pending before the learned Additional District Judge Birbhum at Bolpur to the jurisdictional court of learned District Judge at Alipore.

Learned counsel for the petitioner submits that two other matrimonial proceedings between the parties are also pending in the Court of competent jurisdiction at Alipore. Leaned counsel, therefore, submits that Matrimonial 181 of 2023 may also be transferred from Birbhum to Alipore.

Learned counsel for the opposite party submits that the transfer of the case may delay the proceeding at the belated stage of the evidence. Learned counsel also submits that Section 21B of the Hindu Marriage

Act also directs that all the matrimonial suit should be decided within the time frame.

In the matrimonial proceedings, generally the convenience of the wife is seen except in the exceptional circumstances where there is a mala fide or perversity on the part of the wife.

In the present case, no such averment has been made by the opposite party. In case the matter is transferred, the transferee court shall not proceed with the matter from the stage it is transferred. Therefore, the apprehension of the opposite party that the transfer may delay has no substance.

If the facts and circumstances, Matrimonial Suit No.181 of 2022 is withdrawn from the learned Additional District Judge Birbhum at Bolpur and assigned to the court of the learned District Judge at Alipore for expeditious disposal in accordance with law.

Copy of the order be sent to transferee court and transferee court is directed to send the record within four weeks. The concerned court to which the matter is assigned and is directed to conduct the proceeding expeditiously in accordance with law.

Accordingly, CO 3202 of 2023 is disposed of.

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

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

(Dinesh Kumar Sharma, J.)