

7.7.2025
319
sb

CO 3789 of 2024

**Smt. Jhumpa Majumder Nee Mukherjee
Vs.
Sri Santanu Majumder**

Mr. Nirmalya Ray ...for the Petitioner

Mr. Dhananjay Banerjee
Mr. Pralay Hazra ...for the Opposite party

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit No. 1232 of 2020 from the Court of learned Additional District Judge, 3rd Court, Barasat to the Court of learned Additional District Judge, Kalna, Purba Bardhaman.

The petitioner submits that the marriage between the parties was solemnized on 4th February, 2020 according to the Hindu Rites and Customs but their matrimonial life was not peaceful as the dispute and differences were developed in a rapid manner some times after the marriage. The petitioner therefore, is residing with her parents and her brother at her parents' residence at Kalna. She further submits that parents of the petitioner are aged and suffering from different ailments and she had to perform her duties towards the family.

She further submits that all on a sudden she received the summon of the above-mentioned suit wherefrom she came to know that the opposite party herein has filed the aforementioned suit in the court at Barasat seeking annulment of the marriage on the grounds stated therein.

Being aggrieved by the initiation of the said matrimonial suit at Barasat court, the petitioner/respondent submits that she has to cover the distance of about 120 kilometres to reach the Barasat court from her present place of residence and it also involves huge amount of travelling expenses and she has none to accompany her on her way to Barasat court. It takes more than four hours and for which, she had to start her journey in the morning at 5 A.M. on the day of court proceeding and she has to incur Rs. 200/- per day towards travelling expenses. Accordingly, it has practically become impossible for the petitioner to contest the above-mentioned matrimonial suit pending at Barasat Court and as such, she has prayed for aforesaid transfer.

Learned counsel for the opposite party submits that the petitioner herein has initiated one criminal proceeding under Section 498A/406/34 of the IPC which is presently pending before the Barrackpore court and the opposite party herein also initiated one criminal proceeding under Sections 420/406/34 of the

IPC which is presently pending before the Barasat court and the petitioner herein would be required to attend in both the criminal proceedings at Barasat Court as well as at Barrackpore Court. Accordingly there is no requirement to allow such prayer since other two criminal proceedings are pending before the Barasat and Barrackpore court.

It appears that while distance alone may not be decisive factor but it has its own role, while considering the inconveniences caused to a woman in travelling to another place for pursuing husband's suit filed against her seeking annulment of marriage. It is well-settled that in such cases generally it is wife's convenience which must be looked at while considering the transfer. While saying so, court must not be totally oblivious about husband's inconveniences. During the course of hearing, learned counsel for the opposite party suggested that if the above-mentioned suit be transferred to Chinsurah court, neither party will face much inconveniences as it situates at lesser distance from the present residence of both the parties. Learned counsel for the petitioner, though not fully agreed with such proposal but submits candidly that Chinsurah court would be nearer to her present place of residence than the court at Barasat.

Having heard learned counsel for both the parties and also considering the inconvenience and

convenience of both the parties in conducting the said case from their respective place of residence, if the aforesaid matrimonial suit being MAT suit no. 1232 of 2020, presently pending before the Barasat court is transferred to the court of learned District Judge, Chinsurah, both the parties will face least inconvenience in terms of distance factor.

In such view of the matter, learned District Judge, Barasat, North 24 Parganas is hereby directed to withdraw the above-mentioned matrimonial suit being no. 1232 of 2020 from the court of learned Additional District Judge, 3rd Court, Barasat and to transmit the same to the court of learned District Judge, Chinsurah, Hooghly within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up further proceeding of the suit and the transferee court shall proceed with the suit at the stage where it reached till date.

Department is directed to send a copy of this order to the learned District Judge, Barasat, North 24 Parganas as well as the learned District Judge, Chinsurah, Hooghly immediately.

With these observations, C.O. 3789 of 2024 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)