

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

(Appellate Side)

Present: THE HON'BLE JUSTICE RAJARSHI BHARADWAJ

R.V.W 235 of 2022

With

CAN 1 of 2022

With

CAN 2 of 2022

With

CAN 3 of 2025

In

C.O 1537 of 2021

With

C.O 1451 of 2024

Reserved on : 04.03.2025

Pronounced on: 07.03.2025

Sancharini Banerjee

...Applicant

-Vs-

Souvik Mukherjee

...Respondents

Present:-

Ms. Arundhati Banerjee

Mr. Kaustav Banerjee

... .. for the applicant

Mr. Sattwik Bhattacharyya

Mr. Ashutosh Bhattacharyya

Mr. Aritra Roy

Mr. Titas Niyogi

... .. for the private respondents

Rajarshi Bharadwaj, J:

1. The present review application has been filed challenging the judgment and order dated March 31, 2022 passed by the Hon'ble Justice Kesang Doma Bhutia in C.O. No. 1537 of 2021 (Sancharini Banerjee v. Souvik Mukherjee), whereby the applicant's application under Section 24 of the Code of Civil Procedure for transfer of Matrimonial Suit No. 1651 of 2020 from the Learned

Court of the Additional District Judge, 3rd Fast Track Court at Barrackpore, North 24 Parganas to the Learned Court of District Judge at Alipore was rejected.

2. The applicant has sought review of the said order on grounds of errors apparent on the face of the record, change in facts and circumstances, and violation of principles of natural justice. The applicant submits that the Learned Single Judge failed to consider the fact that the applicant, along with her mother, had been subjected to continuous mental and physical harassment, both at the hands of the respondent and his associates. The applicant claims that, as a result of this harassment, she had to relocate from her residence at Titagarh in North 24 Parganas to a rented accommodation in South 24 Parganas. Furthermore, the applicant has made it clear that, despite police protection being granted to her, she continues to face threats and harassment. Given these ongoing circumstances, the applicant seeks the transfer of the matrimonial suit to a more secure location under the jurisdiction of the District Judge at Alipore, where the applicant is presently residing.

3. In support of her case, the applicant points to a series of legal proceedings involving the respondent, including criminal cases and a case under Section 498A of the IPC, where the respondent has been implicated. The applicant claims that the same acts of harassment continue to affect her and her mother, making it unsafe for them to attend proceedings in Barrackpore, where the respondent continues to contest cases.

4. During the hearing of this review application on February 18, 2025, the learned advocate for the respondent submitted, upon instructions from his client, that the respondent has no objection to the transfer of the matrimonial suit to Alipore, provided that the matter is expeditiously disposed of.

5. Having considered the submissions of both parties and on perusal of the records, this Court is of the view that the rejection of transfer by the Learned Single Judge was based on the assumption that the applicant was ordinarily residing at Titagarh, within the jurisdiction of Barrackpore Court. However, the applicant has now furnished evidence that she is residing within the jurisdiction of South 24 Parganas, which was not adequately considered earlier. Moreover, the respondent has consented to the transfer of the matrimonial suit, which eliminates any contest regarding jurisdictional inconvenience. Therefore, expeditious disposal of matrimonial disputes is in the interest of justice, and unnecessary procedural hurdles should not impede such proceedings.

6. In view of the above, the judgment and order dated March 31, 2022 passed by the Hon'ble Justice Kesang Doma Bhutia in C.O. No. 1537 of 2021 is modified to the extent that the Matrimonial Suit No. 1651 of 2020, currently pending before the Learned Additional District Judge, 3rd Fast Track Court at Barrackpore, North 24 Parganas, is hereby transferred to the Learned Court of District Judge at Alipore.

7. The Learned District Judge at Alipore is directed to take up the matter on priority and ensure its expeditious disposal.

8. The review application being R.V.W 235 of 2022 is allowed. All pending applications and C.O 1451 of 2024 are accordingly disposed of.

9. There shall be no order as to costs.

10. Urgent Photostat certified copies of this judgment, if applied for, be supplied to the parties upon fulfilment of requisite formalities.

(RAJARSHI BHARADWAJ, J)

Kolkata
07.03.2025
PA (BS)