

11.08.2025
(D/L-268)
Ct.-29
(Nandita)

C.O. 3935 of 2024

Anonnya Banerjee @ Chatterjee
-Vs-
Arkadeb Banerjee

Mr. Amajit De
... For the Petitioner
Mr. Aniruddha Bhattacharyya,
Ms. Sarmistha Chatterjee,
Ms. Anushka Bose
...For the Opposite Party

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

This is an application under Section 24 of the Code of Civil Procedure wherein the petitioner/wife has sought for transfer of Matrimonial Suit No. 938 of 2023 presently pending before the learned Fast Track Court at Howrah to any Court of learned Additional District Judge, Durgapur Purba Burdhaman District.

Petitioner's contention is that, petitioner got married with the opposite party herein on 24th January, 2022. However, their matrimonial life was not peaceful and the petitioner was allegedly compelled to return to her parental home on 1st June, 2022. Thereafter, the petitioner herein filed a suit under Section 9 of the Hindu Marriage Act, 1955 being Matrimonial Suit No. 577 of 2023

before the Court of learned Additional District Judge, Durgapur in August, 2023, seeking restitution of conjugal rights.

As a counter blast the opposite party herein, preferred the present suit being Matrimonial Suit No 938 of 2023 which is presently pending before the learned Fast Track Court at Howrah, under Section 13(ia) and (ib) of the Hindu Marriage Act, 1955, seeking dissolution of marriage.

Petitioner submits that the petitioner is suffering a lot because the Court at Howrah, situates at a distance about 192 K.M. from her place of residence and the petitioner has no other person in her family to accompany her throughout the journey. Moreover, the petitioner is an unemployed lady and is suffering from extreme financial hardship and not in a position to bear travelling expenses to attend the Court on each day. She has to start at 4:00 A.M. from her residence in order to attend Court proceeding in time at Howrah. Accordingly, she has prayed for aforesaid transfer.

Learned Counsel appearing on behalf of opposite party-husband submits that it would be convenient for both the parties if the suit is transferred to a place in between Durgapur and Howrah.

Having considered respective submissions it appears that it is husband's suit against the wife

seeking dissolution of marriage and the petitioner will suffer inconvenience if she is compelled to travel a distance of nearly 200 KM on each date of hearing to reach at Howrah court. This court is also not unmindful to note that Shibpur, Howrah is the ordinary place of residence of the opposite party/husband. Therefore I am inclined to accept the proposal of the learned Advocate for the opposite party that both the parties will not suffer any inconvenience, if the matrimonial suit is transferred to a court at East Burdwan district.

In such view of the matter, the learned District Judge, Howrah is hereby directed to withdraw the Matrimonial Suit no. 938 of 2023, presently pending before the Fast Track Court at Howrah, and to transmit the same to the Court of learned District Judge, Purba Burdwan, within a period of three weeks from the date of communication of the order. Learned District Judge, Purba Burdwan will either hear the matter taking the same to his own file or to transfer the same to any competent court within his Judgeship, who shall proceed from the stage where it reaches till date, after serving notice upon both the parties intimating the next date of hearing.

Since no affidavit has been sought for from the opposite party, the allegations leveled in the

instant application are deemed to have not admitted by the opposite party/husband.

Department is directed to send a copy of this order to District Judge, Howrah and District Judge, Purba Burdwan.

Accordingly, the revisional application being C.O. No. **3935 of 2024** thus stands disposed of.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Dr. Ajoy Kumar Mukherjee, J.)