

11.06.2025
Item No.27
Ct. No. 30
Aloke

CO 4071 of 2024

Smt. Sanjukta Deuiri Chatterjee
Vs.
Dwipayan Chatterjee

Mr. Kingsuk Mondal
Mr. Partha Sarathi Mondal
Mr. Chiranjit Saha
... for the petitioner

Mr. Supriyo Das
... for the respondent

1. The revisional application has been preferred praying for transfer of the Matrimonial Suit being no. 101 of 2020 from the Court of the learned Principal Judge, Family Court, Kolkata to the Court of the learned Additional District Judge, Kalyani, Nadia.
2. It is the contention of the petitioner's wife that she is a permanent resident of Kalyani and serious prejudice and inconvenience is being caused to her as the matrimonial suit is pending at Kolkata.
3. Learned counsel for the husband/opposite party submits that the matrimonial suit was initiated in the year 2020 and the prayer for transfer has been made in 2024 after four long years when the trial before the Family Court at Kolkata has already commenced and cross-examination of P.W. 1 could not be carried out due to the absence of the wife/opposite party/petitioner herein. Copy of the order-sheet has been placed before the Court.

4. The learned counsel for the wife/petitioner herein praying for transfer has relied upon the judgment of the Hon'ble Supreme Court in **N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha** reported in **2022 LiveLaw (SC) 627** decided on 18th July, 2022 wherein reliance has been placed on paragraph 9 of the judgment which reads as follows :

“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.”

5. **In the present case admittedly both the parties are medical professionals.** The wife is also a qualified doctor. Admittedly, evidence as commenced before the Family Court and the wife who is a qualified doctor has waited four long years to make the application for transfer. Though the Supreme Court has observed that the wife's convenience must

be looked into, but in the present case where the petitioner/wife has duly appeared before the Family Court at Calcutta, while making her prayer for maintenance, which was allowed, has chosen to pray for transfer of the divorce proceedings after four long years when the evidence has already commenced.

6. Considering such circumstances, this Court is not inclined to grant prayer of the petitioner/wife at this stage.

7. The present civil revision is accordingly dismissed.

8. The Family Court to proceed expeditiously with the matrimonial suit.

9. All connected applications, if any, stand disposed of.

10. Interim order, if any, stands vacated.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)