

19.06.2025
Item No.97

Court No.25
sg

C.O. 4178 of 2024

Madhuri Banerjee

Vs.

Anupam Banerjee

Mr. Kalyan Kr. Chakraborty

Mr. K. Bhattacharya

Mr. Gopal Krishna Sarkar

....for the petitioner.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.

Ms. Ritushree Banerjee

....for the opposite party.

1. Present petition has been filed for transfer of Matrimonial Suit No. 27 of 2019 titled as **(Anupam Banerjee Vs. Madhuri Banerjee)** pending before the Court of learned Additional District and Sessions Judge, Asansol, Paschim Bardhaman to the Court of learned Additional District Judge, Serampore, Hooghly or learned District and Sessions Judge, Hooghly at Chinsurah. Learned Counsel submits that the petitioner is residing along with her parents within the jurisdiction of Police Station, Serampore District Hooghly. It has been submitted that there is a distance around 170 kilometre between Court of Asansol, Paschim Bardhman and the place where the petitioner is

residing. Learned counsel also submits that the petitioner is totally dependent upon her father and her father is suffering from various ailments.

- 2.** Learned Counsel submits that another criminal case under Section 498A of the Indian Penal code filed by the petitioner in Serampore District Hooghly. It is also pending at Serampore Court. Learned Counsel submits therefore present matrimonial suit may also be transferred from Asansol, Pashchim Bardhman to the Court at Serampore District Hooghly.
- 3.** Learned counsel for the opposite party has vehemently opposed the transfer. Learned counsel submits that in the entire petition there are no substantive grounds which may entitle the petitioner for transfer of the matrimonial suit. Learned counsel also submits that Matrimonial Suit No. 27 of 2019 has already been transferred to the Family Court.
- 4.** It has been submitted by the petitioner that the another G.R. Case No. 2100 of 2018 dated 12.09.2018 filed by the mother of the opposite party/husband against the petitioner is pending at Serampore, Hooghly. Learned counsel therefore submits that there is no ground for transfer.

5. The Court has considered the submission in the matrimonial proceedings generally the convenience of the wife is preferred. The request for transfer is denied if it is motivated by any mala fide or perversity. During course of submission learned counsel for the petitioner has stated at Bar petitioner has already filed petition quashing her G.R. case against her.
6. The Court considers that since another case filed by the petitioner is pending at Serampore Court. It would be in the interest of justice if the Matrimonial Suit No. 27 of 2019 is withdrawn from the Family Court, Paschim Bardhman and assign to the Court of District & Sessions Judge, Serampore, Hooghly for expeditious trial in accordance with law.
7. Copy of the order be sent to the transferee Court. The opposite party/husband may appear online before the Serampore Court in case infrastructure is available. The Court may order for the personal appearance of the opposite party/husband in case it is necessitated.

(Dinesh Kumar Sharma, J.)