

18.02.2025
Ct. 3
D/L 23
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURIDICITION
APPELLATE SIDE**

C.O. 24 of 2025

**Sumana Bhattacharjee
-VS-
Debangshu Goswami**

Mr. Samundra Mani Pradhan
Ms. Sagarika Sarkar

... for the petitioner

Mr. Jaydeep Kanta Bhowmik
Ms. Deb I Sarkar
Ms. Jasmin Haque
Ms. Moumita Shome
Ms. Dipa Das

...for the O.P.

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

This is an application by the petitioner/wife seeking transfer of Matrimonial Suit No. 93 of 2024, filed by the opposite party/husband under Section 13(1) of the Hindu Marriage Act, 1955, now pending in the Court of Additional District Judge, Fast Track Court at Siliguri.

Learned advocate for the petitioner appears and submits that the petitioner seeks transfer of that case to the Court of District & Sessions Judge at

Cooch Behar for the reason that the petitioner is presently residing with her old and ailing mother at Cooch Behar. He says that it would be not possible for the petitioner, who does not have any independent source of earning for her own, to travel to Siliguri to contest in the said matrimonial suit. Furthermore, since the petitioner presently resides within the jurisdiction of Cooch Behar Court, it shall be permissible under the law for the transfer of the matrimonial suit to the Cooch Behar Court.

Learned advocate for the petitioner has further submitted that time and again, the Hon'ble Apex Court as well as this Court has shown leniency towards the wife in case of her prayer for transfer of matrimonial suit and also convenience of the wife has been the paramount to the Courts.

In this regard he has referred to the following judgments:-

- (i) Madhu Saxena -vs- Pankaj Saxena(2005) 13 SCC 158;
- (ii) Rajani Kishore Pardeshi-vs-Kisor Babulal Pardeshi(2005)12 SCC 237;
- (iii) Sandipta Gupta-vs-Suraj Gupta 2022 SCC Online Cal 2027.

Mr. Bhowmik, learned advocate appears for the opposite party/husband.

According to Mr. Bhowmik, the opposite party shall have life risk, if he comes to Cooch Behar for the purpose of contesting the suit, insofar as the petitioners are the very influential person in the locality.

Mr. Bhowmik says that the matter may be transferred to any Court other than Cooch Behar, so that both the parties have fair amount of convenience in attending the Court proceeding.

Section 24 CPC is the enabling provision for the Court, to transfer a case for a sufficient reason, as it is found expedient.

It is the contention of the wife/petitioner that she is devoid of any independent earning and unable to follow the Court's proceeding by travelling a distance so far from Cooch Behar, to Siliguri. However, it is notable that till date the wife has not filed any application to claim any monetary support from the husband in connection with the said matrimonial suit.

Be that as it may, the Court has considered the judgments as referred to by the petitioner, as above and also the submissions of both the learned advocates. A balance has been struck on,

as regards the two contradictory claims of the respective parties.

Considering all, the Court is of the view, the Matrimonial Suit No. 93 of 2024 filed by the present opposite party/husband and now pending in the Court of Additional District Judge, Fast Track Court at Siliguri should be transferred to the Court of District & Sessions Judge, Alipurduar, immediately.

The parties are directed to appear there and contest as per direction of the Court.

Let the transfer be effected as expeditiously as possible but not beyond the period of two weeks from the date of communication of a copy of this order.

The civil revision is disposed of.

(Rai Chattopadhyay, J.)