

17.02.2025.

sg
Sl. No.83
Ct. No.3.

C.O. 26 of 2025

Soumi Chakraborty
@ Soumi Chakraborty(Roy)
Vs.
Priyesh Chakraborty

Mr. Arindam Sen
Mr. Subham Chanda
... For the Petitioner

This is an application by the petitioner under Section 24 of the Code of Civil Procedure, seeking transfer of the Matrimonial Suit No. 357/2023, filed by the opposite party/ husband, now pending in the Court of Additional District Judge, Fast Track Court, 1st Court, Alipurduar to the Court of Additional District and Sessions Judge, Barasat, North-24 Parganas.

The petitioner alleges about infliction of physical and mental torture upon her by the opposite party and his relatives and she having been driven out from her matrimonial home by them. The petitioner lives at her paternal home and is dependent on her parents, having no independent source of income.

Learned Advocate for the petitioner has also mentioned about the physical ailments of the petitioner who is suffering from spinal cord disease. Doctor's certificate to that effect is available on record.

The petitioner has thus sought for transfer of the case before a Court within jurisdiction of which the petitioner is now residing, to secure a fair chance to defend her own cause, Mr. Chanda, learned Advocate says.

Affidavit of service is filed in Court and taken on record.

The Court notices that the service has been "refused" by the opposite party amounting the same to be a good service in the eye of law. In such circumstances, the Court takes up the matter for disposal.

Having heard the learned Advocate for the petitioner and after perusal of the records, it is found proper that for fair trial of the Matrimonial Suit No. 357/2023 by affording opportunity of defence to the present petitioner/ wife therein and for the ends of justice, the present case be disposed of with the following directions:

- i. The Matrimonial Suit No. 357/2023, now pending in the Court of Additional District

Judge, Fast Track Court, 1st Court, Alipurduar
be transferred to the Court of District and
Sessions Judge, Barasat, North-24 Parganas,
with immediate effect;

ii. Let the case records be immediately
sent in terms of this order and duly received by
the recipient Court.

Accordingly, CO/26/2025 is disposed of.

(Rai Chattopadhyay, J.)