

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

Present: The Hon'ble Justice Partha Sarathi Sen
CO 45 of 2025

Smt. Kanika Rudra
Vs.
Sri Debanjan Dutta.

For the petitioner : Mr. Kalipada Das, Adv.

Heard on : 11.08.2025

Judgement on : 13.08.2025

PARTHA SARATHI SEN, J:-

1. This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner/wife for transfer of the case record of Matrimonial Suit no. 3525 of 2024 as pending before the learned District Judge, Alipore, South-24-Parganas as has been initiated by the respondent/husband to the court of Learned District Judge, Alipurduar.

2. On perusal of the entire materials as placed before this Court it reveals that it is the specific case of the petitioner/wife that her marriage with the opposite party/husband was solemnized on 10.07.2021 at her paternal house which is situated under P.S Alipurduar according to Hindu Rites and Customs.

3. From the materials as placed before this Court it reveals that on account of matrimonial discord the petitioner/wife is residing at her paternal home at Alipurduar and since the opposite party/husband is not maintaining her she

has filed an application under Section 125 CrPC before the learned Judicial Magistrate, 1st court, at Aliporeduar and the same is still pending.

4. It further appears that it is the further case of the petitioner/wife that her husband who is opposite party herein has instituted the said Matrimonial Suit no.3525 of 2024 for dissolution of marriage before the learned District Judge, Alipore, District South-24-Parganas.

5. It further appears to this Court that it is the further case of the petitioner/wife that since the petitioner/wife is residing at her paternal home with much distress and since she is not receiving any maintenance from her husband she is facing extreme difficulty to go to Kolkata for contesting Matrimonial Suit No. 3525 of 2024. The petitioner/wife thus prays for transfer of the said MAT suit no.3525 of 2024 to the Court of learned District Judge at Alipurduar.

6. This Court has noticed that despite service of notice none appeared on behalf of the opposite party/husband.

7. It appears to this Court that the petitioner/wife is successful in making out a case for obtaining a favourable order under Section 24 of the Code of Civil Procedure in view of the fact that the aforementioned matrimonial suit is pending at a place which is far away from her paternal home where she resides now especially when it is the specific case of the petitioner/wife that she is receiving no maintenance from her husband despite filing of the petition under Section 125 CrPC.

8. Such being the position this Court thus finds sufficient merit in the instant application under Section 24 of the Code of Civil Procedure.
9. Consequently, the case record of Matrimonial Suit no.3525 of 2024 stands hereby withdrawn from the file of the learned District Judge, Alipore, District South-24-Parganas and the same stands transferred to the court of learned District Judge, Alipurduar with immediate effect.
10. Consequently, learned District Judge, Alipore, District South-24-Parganas is hereby directed to take immediate steps for transfer of the case record of Matrimonial Suit no. 3525 of 2024 to the court of Learned District Judge, Alipurduar.
11. Before parting with it is further directed that learned District Judge, Alipurduar on receipt of the case record of Matrimonial Suit no. 3525 of 2024 is at liberty to keep the said case record in his file for disposal or he may transfer the said case record to any other Additional District Judge for disposal of the said matrimonial suit.
12. With the aforementioned observation CO 45 of 2025 is disposed of.
13. Department is directed to forward copies of this judgement both to the learned District Judge, Alipore, District South-24-Parganas and learned District Judge, Alipurduar for their information and compliance.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J)