

JPD-13
Ct No.01
29.07.2025
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 55 of 2025

Suman Sing nee Basak
Vs.
Pranab Basak

Mr. Subhadip Biswas,
Mr. Arijit Ghosh

.... for the petitioner

1. Despite service, none appears for the opposite party at the time of call.
2. Affidavit-of-service filed today be kept on record, which indicates that as per the previous direction of the Court, service has been effected on the learned Advocate for the opposite party in the trial court.
3. The present application has been filed for transfer of a suit for restitution of conjugal rights filed by the opposite party-husband in the court of the learned District and Sessions Judge at Jalpaiguri to a competent court in Alipore.
4. Learned counsel for the petitioner submits in terms of the pleadings of the present application that a suit for divorce filed by the petitioner-wife prior to the filing of the restitution of conjugal rights suit of the husband, is already pending at

Alipore, where the opposite party-husband has entered appearance and filed his written statement.

5. Hence, since the opposite party is already participating in the petitioner's divorce suit, and as the petitioner's suit was earlier on point of time, it is submitted that the husband's suit ought to be transferred to the court where the petitioner's suit is now pending.
6. Secondly, since the petitioner is an unemployed lady, being totally dependent on her sister and brother-in-law, it is pleaded that she does not have the financial means to travel the long distance from her present residence at Budge Budge, District: South 24 Parganas to contest the husband's suit at Jalpaiguri.
7. Learned counsel for the petitioner submits that in order to avoid conflict of decisions, the two suits should be heard by the same court. Since the suit of the petitioner is now pending before the learned Additional District Judge, Eighth Court at Alipore, it is contended that the suit of the husband should be transferred there.
8. Upon hearing learned counsel for the petitioner, I find substance in all the above contentions of the petitioner, which afford sufficient grounds to transfer the suit to the Eighth Court of learned

Additional District Judge at Alipore, particularly to avoid a conflict of decision in the two suits; more so, since the petitioner's suit filed in Alipore was earlier on point of time. That apart, the meagre financial means of the petitioner also has to be kept in mind.

9. Accordingly, a sufficient case for transfer of the husband's suit has been made out in the present application.
10. Thus, CO 55 of 2025 is allowed without any order as to costs, thereby directing Matrimonial Case No. 14 of 2025 pending before the learned District and Sessions Judge at Jalpaiguri to be transferred to the Eighth Court of Additional District Judge at Alipore, District: South 24 Parganas at the earliest and to be clubbed with Matrimonial Suit No. 2468 of 2024 pending before the Eighth Court of the Additional District Judge at Alipore. The two suits shall now be heard together.
11. The present order shall be communicated to both the concerned courts, that is, the court of the learned District and Sessions Judge at Jalpaiguri as well as the Eighth Court of the learned Additional District Judge, Alipore at the earliest, by special messenger at cost of the petitioner.

Such costs shall be put in within a week from date.

12. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)