

JPD-15
Ct No.01
22.07.2025
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 115 of 2025

Bipasha Nasrin
Vs.
Gulshan Shamrin Rahaman

Mr. Arnab Das

.... for the petitioner

Mr. Mayank Roy

....for the opposite party

1. The present application has been filed under Section 24 of the Code of Civil Procedure, for transfer of a divorce suit filed by the opposite party/husband against the petitioner/wife before the learned District Judge, Cooch Behar.
2. Learned counsel for the petitioner submits that the petitioner is a resident of Alipurduar. Although the distance between the two places is merely 24 kilometers, the petitioner, it is contended, apprehends serious risk of life and limb, since the petitioner is being threatened on very occasion when she goes to attend the suit at Coochbehar, by the opposite party/husband and his family members and henchmen.

3. Learned counsel places particular reliance on several complaints lodged by the petitioner before the concerned police station, that is, the Women Police Station, Sadar, Kotwali, Coochbehar. In particular, learned counsel for the petitioner relies on a written complaint dated April 14, 2025 where it was alleged by the petitioner that on April 10, 2025, which was a date fixed for hearing of the suit, the petitioner was seriously threatened of dire consequences by the opposite party/husband and his relatives unless the petitioner withdraws her proceeding under Sections 498A/406 of the Indian Penal Code.
4. It is further submitted that in view of such serious threats, which is also borne out by subsequent applications and complaints made by the petitioner, as annexed to the present application, the petitioner would be jeopardized if she has to contest the suit by travelling on each occasion to the Court of the District Judge at Cooch Behar and, as such, the suit may be transferred to any competent court at Alipurduar.
5. Learned counsel for the opposite party/husband submits that if the petitioner was threatened/assaulted on April 10, 2025, which was admittedly a date of hearing of the suit, the petitioner could have pointed out such alleged

threats to the learned District Judge for appropriate remedial measures being taken. However, it transpires from the order of that date (apparently mentioned erroneously as “10/05/2025” in the certified copy of the order sheet of the trial court), that the PW 1 was cross-examined on behalf of the defendant/present petitioner. There is no reflection whatsoever in the said order as to any such allegation being raised by the petitioner before the court of the District Judge seeking protection or complaining of the harassment she was allegedly suffering.

6. Learned counsel for the opposite party further adds that the petitioner has been consistently making false complaints against the opposite party/husband and his family and has lodged several criminal cases. One of the criminal cases, lodged against distant relatives of the opposite party, has since been quashed, although the other cases against the opposite party and his immediate family members are still pending.
7. Thus, it is submitted that the allegations made in the present application ought not to be believed.
8. Upon a careful consideration of the annexures to the present application, it is seen that apparently the order dated April 10, 2025 has been erroneously mentioned in the order sheet as May

10, 2025, which is also evident from the serial numbers of the said orders. Whereas Order No. 15 was dated February 07, 2025 and on the said date, April 10, 2025 was fixed as the next date, Order No. 16, that is, the very next order, is recorded in the certified copy of the order sheet to be of May 10, 2025. Since there was no date in-between and there is no reflection from the order-sheet that the matter was not taken up on April 10, 2025, this Court comes to the conclusion that the Order No. 16 was actually dated April 10, 2025.

9. As rightly pointed out by learned counsel for the opposite party, there is no semblance of a mention regarding the alleged harassment suffered by the petitioner in the hands by her in-laws on the said date. However, the benefit of doubt in that regard may be extended to the petitioner inasmuch as it is not clear from her complaint dated April 14, 2025 as to when the alleged threats took place, whether while going to court or when returning.
10. Be that as it may, it also seems to beg credibility that the petitioner, who had lodged a complaint against the opposite party on different allegations before the Women Police Station at Sadar, Kotwali, Coochbehar on the self-same date, that is, on April 10, 2025 itself, the petitioner forgot to or did not lodge a complaint before the self-same police

station about the alleged harassment suffered by the petitioner in the hands of the opposite party and his relatives as well. It is also surprising that instead of adding the complaint of such harassment with the other complaints lodged by her on April 10, 2025 itself in a police station at Coochbehar, the petitioner merrily came back to her residence and returned to Coochbehar on April 14, 2025, which was not even a date fixed for hearing of the suit, just to lodge a separate complaint regarding the alleged harassment of April 10, 2025 before the Coochbehar police station.

11. Such chronology of events does not inspire confidence in the allegations made against the opposite party by the petitioner.
12. That apart, this Court cannot entirely rule out the possibility of the present allegations being in support of and to strengthen the cause of the petitioner in the criminal cases initiated at her behest. However, nothing in the above observations should be deemed to be conclusive insofar as the conduct of the petitioner or the veracity of the complaints are concerned. Yet, in a proceeding under Section 24 of the Code of Civil Procedure, it is the preponderance of probabilities which has to be looked into. On such yardstick,

this Court does not find the allegations made in the present application to be so credible as to transfer the suit from Coochbehar to Alipurduar. In any event, in view of the nature of the allegations sought to be leveled, regarding threats being issued by the opposite party, if the opposite party and his family are so hell-bent upon threatening the petitioner, there is nothing to prevent them from repeating such conduct while the petitioner goes to the court at Alipurduar as well, since admittedly, the distance between Alipurduar and Coochbehar is only about 24 kilometers.

13. If the petitioner is really aggrieved by warnings being issued by the opposite party and/or his family, it is always open to the petitioner to seek police protection before the concerned court.
14. In view of the above, I do not find any substance in the present application for transfer.
15. Accordingly, CO 115 of 2025 is dismissed on contest without any order as to costs.
16. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)