

Item No.47
03.09.2025
Court. No. 1
B.Pal

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CO 137 of 2024

NABANITA SARKAR
VS
BISWARUP DAS

Ms. Suman Sehanabis (Mondal)

... for the petitioner/ wife

Mr. Debajit Kundu

...for the opposite party/ husband

1. Affidavit-in-reply is taken on record.
2. This is an application for transfer of Matrimonial Suit No.333 of 2024 which is pending before the learned District Judge at Jalpaiguri.
3. The petitioner seeks transfer of the matter to the Court of the learned District Judge, Coochbehar. The grounds made out by the petitioner are that, being a school teacher it was impossible for her to travel to Jalpaiguri on a regular basis, and diligently follow her case. She had a child who suffers from a learning disability and needed constant supervision. Her aged parents were not in a position to look after the child for long hours. The distance

between Coochbehar and Jalpaiguri was approximately 120 km each way and as such, it would be very difficult for the wife to maintain her child, her job and attend the case.

4. Mr. Kundu, learned advocate for the husband submits that the husband had recently met with an accident and he was suffering from minor disabilities. As such, it would be difficult for the husband to travel to Coochbehar Sadar under such physical condition.
5. Having considered the rival contentions of the parties and the distance between Jalpaiguri and Coochbehar Sadar, this Court is of the view that the prayer of the petitioner should be allowed. However, directing the suit to be transferred to Coochbehar Sadar may cause some inconvenience to the husband. As such, a central location will be reasonable and convenient for both parties. Let the records of the Matrimonial Suit No.333 of 2024, pending before the learned District Judge at Jalpaiguri, be transferred to the Court of learned District Judge, Coochbehar who shall transmit the records

to the Court of competent jurisdiction at Mathabhanga. Mathabhanga will be more or less equal distant for both the parties and the petitioner will not have to travel more than an hour each way to reach the Court.

6. The transferee court shall issue notice to the parties, upon receipt of the case records.
7. Accordingly, the application is disposed of.

(Shampa Sarkar, J.)