

08.04.2026
Item No.27
Ct. No. 30
Aloke

CO 173 of 2026

Siddhartha Gupta
Vs.
Kabita Kumari

Mr. Md. Mokaram Hossain
Mr. Md. Naimul Islam
Mr. Karnab Biswas
..for the petitioner
Mr. Biswaranjan Bhakat
Mr. Somnath Chattopadhyay
Ms. Shibani Pandey
... for the respondent/O.P.

1. Affidavit-of-service filed be kept with the record.
2. The revisional application has been preferred by the **husband/petitioner** praying for transfer of Matrimonial Suit No. 352 of 2025 pending in the Court of the learned Additional District Judge, 3rd Court, Malda to the Court of the learned District Judge, Siliguri, Darjeeling.
3. It is the case of the **petitioner/husband** that he is residing at Matigara, Darjeeling.
4. On the other hand the wife/opposite party is a resident of English Bazar, Malda and has filed the Matrimonial suit at Malda Court.
5. The petitioner/husband now prays that the suit being Matrimonial Suit No. 352 of 2025 pending in the Court of the learned Additional District Judge, 3rd Court, Malda be transferred to the Court of the learned District Judge, Siliguri,

Darjeeling, on the ground of territorial jurisdiction.

6. It is the case of the husband/petitioner that he is a resident of Siliguri and the marriage also took place at Siliguri with an assurance that his wife would be shifted to Siliguri permanently. But after their marriage, the opposite party is reluctant to stay at Siliguri and has gone back to Malda causing severe inconvenience to the petitioner. As such, the petitioner has prayed for transfer of the case filed by the wife/opposite party at Malda to Siliguri. But considering the **judgment of the Hon'ble Supreme Court in *N.C.V. Aishwarya vs A.S. Saravana Karthik Sha*, in Civil Appeal No(s). 4894 of 2022 (arising out of SLP (C) No(s). 16465 of 2021), decided on July 18, 2022, (Para 11, 12)**, this Court is of the opinion that the prayer for transfer by the husband cannot be considered. But considering the difficulty of the petitioner/husband the Court shall permit the petitioner to appear virtually if the petitioner makes such a prayer and the Court shall also make an effort to refer the parties for mediation, if the parties agree.
7. Civil revision stands disposed of.
8. Connected application, if any, stands disposed of.
9. As no affidavits have been used the allegations in the civil revision are deemed to be denied.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)