

20.04.2026
Ct. No. 30
S.L. No. 52
SM

CO 821 of 2026
Sambita Bose
Versus
Suhrid Ghosh

Mr. Subrata Bhattacharya
.....for the petitioner

Mr. Ratul Das
Mr. Shiram Pathak
Mr. Gourav Sharma
.....for the respondent

1. Affidavit-of-service filed be kept with the record.
2. The revisional application has been preferred praying for transfer of Matrimonial Suit No. 115 of 2025 from the Court of the Learned 14th Additional District Judge, Alipur, South 24 Parganas to the Learned Additional District Judge, Durgapur, District Paschim Bardhaman.
3. On being served the husband/opposite party is being represented.
4. Learned counsel appearing for the husband/opposite party by relies upon the provision of Section 40A (2) (b) of the Special Marriage Act which lays down as follows.

40. Application of Act 5 of 1908. - *Subject to the other provisions contained in this Act, and to such rules as the High Court may make in this behalf, all proceedings under this Act*

shall be regulated, as far as may be, by the Code of Civil Procedure, 1908 (5 of 1908).

40A. Power to transfer petitions in certain cases.-(1) *Where -*

(a) a petition under this Act has been presented to the district court having jurisdiction, by a party to the marriage praying for a decree for judicial separation under section 23 or for a decree of divorce under section 27, and

(b) another petition under this Act has been presented thereafter by the under section 23, or for decree of divorce under section 27 on any other party to the marriage praying for decree for judicial separation ground whether in the same district court, or in a different district court, in the same State or in a different State, the petition shall be dealt with as specified in sub-section (2).

(2) In a case where sub-section (1) applies,-

(a) *if the petitions are presented to the same district court, both the petitions shall be tried and heard together by that district court;*

“(b) *if the petitions are presented to different district courts, the petitions presented later shall be transferred to the district Court in which the earlier petition was presented and both the petitions shall be heard and disposed of*

together by the district Court in which the earlier petition was presented.”

5. It appears that the husband/opposite party herein had filed the present matrimonial suit being 115 of 2025 before the Alipur Court on **13.01.2025** and the matter is pending for hearing before the Additional District Judge, 14th Court, Alipur.

6. It appears that the wife/petitioner has also initiated a matrimonial suit before the Additional District Judge, Durgapur numbered as Matrimonial Suit 295 of 2025 and has been filed on **28.04.2025**.

7. Learned counsel for the husband/opposite party further places a copy of the leave and licence agreement and submits that the wife works in Kolkata and also lives in a rented accommodation. Admittedly, the parties do not have any children.

8. Learned counsel appearing for the wife/petitioner submits that the relief prayed for in the two suits are entirely different and as such he is not agreeable to have the petitioner's suit which is a subsequent suit, transferred to Alipur to be heard along with the prior suit filed by the husband/opposite party.

9. Accordingly, considering the provision of law as relied upon by the husband/opposite party herein and the conduct of the petitioner herein, this Court is not inclined to permit the transfer of the prior suit

filed by the husband/opposite party of which the petitioner prayed for transfer.

10. Accordingly, the Civil Revision stands dismissed.

11. Learned counsel for the petitioner prays for leave to appear virtually in the proceedings pending before the Alipur Court.

12. Leave as prayed for is granted.

13. The learned Additional District Judge, 14th Court, Alipur, is at liberty to permit the wife/opposite party in the suit to appear virtually, if such a prayer is made.

[Shampa Dutt (Paul). J]