

25.06.2026
Item No.10
Ct. No. 34
nb

CRR 1776 of 2026

In the matter of: **Smt. Amrita Mukherjee (Roy) & Anr.**
..... Petitioners.

Mr. Kallol Basu, Sr. Adv.
Mr. Suman Banerjee,
Ms. Shreejita Sen

.... For the Petitioners.

Mr. Kallol Mondal, Ld. P.P.
Mr. Somnath Adhikary,
Mr. P. Karan Singh,

....For the State.

Mr. Soumik Ganguli,
Ms. Priti Barwan,

..... For the O.P.

1. This application has been filed the in connection with Misc. Case No.36 of 2017 for transfer from the file of the learned Judge, Family Court, Bankura to the file of the learned Sessions Judge, South 24 Parganas.
2. It is submitted by Mr. Kallol Basu, learned advocate representing the petitioner that the marriage of the present petitioner and the opposite party was solemnized on 24.12.2009 according to the Hindu Rites and Customs and they were blessed with one son, who is presently aged about 13 years. Later on marital discord arose by and between the parties and several proceedings were filed by the wife

including the present proceeding under Section 125 of the Cr.P.C. with a prayer for an order of maintenance against the petitioner.

3. It is the specific case of the present petitioner that when the proceeding was filed she used to reside at Bankura but for the present, she has shifted and residing at her father's house at flat 2B, 2nd Floor, 136, Purba Sinthee Bye Lane, Post Office - Ghugudanga, Kolkata-700030 along with her parents and minor son.

4. It is the further case of the petitioner that her parents are aged about 70 years 67 years respectively and the son is aged about 13 years is also residing with her and has been admitted in a local school studying at Class - VI. The father of the applicant/petitioner is suffering from Cardiac problem and Diabetes and is going under regular treatment. The mother is also a Cardiac patient and needs regular check up. The present resident is more than 211 KM from Bankura and it causes severe inconveniences to attend the Court on the date of hearing before the Family Court. It is her contention that in order to reach the Court at Bankura she has to come to Bandel by train and to take another train to Durgapur and then to take a bus for which she has to start her journey at 5 AM and reached at 11 AM. That apart, she returns home at around 11.30 PM after changing two trains from different places. She suffered severe anxiety because if she misses out any of the train she

would not be able to reach home when the aged parent and minor son are there in her house.

5. Therefore, it is extremely difficult and inconvenient to attend the hearing before the Learned Judge, Family Court at Bankura and hence, prayed for transfer of the case from that Court to the court situated to any Court of Learned District Judge, 24 Parganas, South.

6. Per contra, the Learned advocate, Mr. Soumik Ganguli representing the Opposite Party husband raises vehement objection and submits that for long 9 years the proceedings were pending before the Bankura Court where the other proceedings pending under Section 498A lodged by the present petitioner and now when the matter is on the verge of conclusion she has come with the prayer for transfer only to harass the husband. It is further submitted that from the Family Court, Bankura to the District Judge, 24 Parganas South would cause severe hardship to the petitioner, who is also a service holder and having his parents, whom he has to maintain.

7. Having heard the rival contention and on going through the materials on record it is apparent that the proceeding under Section 125 was initiated by the present petitioner way back in the year 2017 and since then, the proceedings was pending before the Learned Court of Chief Judicial Magistrate at Bankura. From the record also it transpires that on 15.11.2017, the Learned Chief Judicial Magistrate, Bankura

passed an order on interim maintenance of Rs.2,000/- to be paid to the petitioner no.1 and Rs.3,000/- for the minor child and also that the trial of the case has started and two witnesses have been examined.

8. The cross-examination of P.W. 2 is going on when the case was transferred in the year 2023 to the Learned Judge, Family Court at Bankura. The ground of transfer, as assailed mostly rests on account of change of the address of the petitioner/ wife, who has shifted her place of residence from Bankura to Sinthi, 24 Parganas, North at her father's house. It is settled proposition of law that the inconvenience of the parties including the witnesses to be produced before the Court to be the relevant consideration while dealing with a transfer proceeding. The reason assigned by the petitioner appears to be justified enough as she is to maintain her aged parents along with her minor son and there remains no room left to doubt the distance between family Court at Bankura and her present place of residence. Since, the petitioner herself being the applicant of the maintenance proceeding, her prayers for transfer and the contention regarding present place of residence cannot be doubted.

9. Hence, this court is primarily satisfied about the reason for such transfer and is inclined to allow the prayer. However, no such order should be passed by this Court, which would cause severe

inconvenience to the husband considering the distance to be covered by him, if the matter is transferred, according to the prayer.

10. Therefore, this Court is of the view that the purpose would be sub-served if the matter is transferred from Family Court, Bankura to the Learned District Judge at Purba Bardhaman considering the distance and the connectivity.

11. Accordingly, this revisional application stands allowed in part and the proceeding being, Misc. Case No.36 of 2017 pending in the file Learned Judge, Family Court, Bankura be transferred to the Court of Learned District Judge, Purba Bardhaman.

12. Let a copy of this order be sent to both the Learned Judges, Family Court as well as to the District Judge of Purba Bardhaman for compliance.

13. Learned District Judge, Family Court, Bankura is further directed to ensure the transfer of Misc. Case No.36 of 2017 from the learned Judge, Family Court, Bankura to the Court of learned District Judge, Puraba Bardhaman.

14. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)