

02.01.2026
Item No.09
BR

CO 3044 of 2025
IA NO. CAN 1 of 2025
Roshni Banerjee
-vs-

Arghyadeep Bhattacharjee and Other

Mr. D.Banerjee,
Mr. Pralay Banerjee

...for the petitioner
Mr. Kallol Basu,
Mr. Suman Banerjee
... for the opposite party

1. Affidavit of service filed by the petitioner be kept with the record.
2. CAN 1 of 2025 praying for extension of interim order is also pending for hearing and the same is taken up for hearing along with the civil revisional application.
3. The civil revision has been preferred praying for transfer of proceeding being Matrimonial Suit number 1418 of 2025 (Arghyadeep Bhattacharjee -vs- Roshni Banerjee) pending before the Court of the learned Additional District Judge, Fast Track Court-I, Barrackpore, North 24-Parganas to the Court of the learned Additional District Judge at Kalna, Purba Bardhaman.

4. Learned counsel appearing for the opposite party submits that the petitioner/wife's comes for her treatment regularly to Kolkata from Kalna and as such transfer may be permitted and allowed to the extent that the matter be transferred to the Sealdah Court.
5. It is further submitted that if the matter is transferred to Sealdah Court, it will be convenient for the opposite party/husband to attend the hearing as he is employed in Mumbai.
6. It appears that the suit before the trial Court is for declaration of nullity of marriage on the ground that the husband/opposite party was not informed about the mental illness of the petitioner/wife. The petitioner herein has annexed documents to show that she suffers from some mental ailment and is under treatment. Copy of Psychometry test report is annexed to the revisional application.
7. Considering the said medical report, it prima facie appears that it will not be very easy for the petitioner/wife to attend the hearing at Sealdah. She being a resident of Kalna and

admittedly other proceedings are also pending before the Kalna Court, which the husband/opposite party attends.

8. Learned counsel for the opposite party further submits he has also prayed for transfer of the other proceedings, which are pending for hearing at Kalna.
9. Considering that the present revisional application involves transfer of Matrimonial Suit being 1418 of 2025, the points to be considered by this Court **for such transfer** of proceeding is at present necessary for expeditious disposal of the proceeding before the learned trial Court.
10. Accordingly, considering the medical ailment of the petitioner/wife this Court on relying upon the judgments of the Hon'ble Supreme Court in **Umesh Kumar Sharma-vs- State of Uttarakhand & Ors.**, in *Transfer Petition (Crl.) Nos. 534-536 of 2019*, (Para 17 to 22), and **Tejalben vs Mihirbhai Bharatbhai Kothari** on 11.01.2016, (2016) 3 SCC 69, directs that matrimonial suit being 1418 of 2025 be withdrawn from the Court of learned Additional District Judge,

Fast Track Court-I, Barrackpore, North 24 Parganas and be transferred to the Court of learned Additional District Judge, Kalna, Purba Bardhaman.

- 11.** Learned Additional District Judge, Kalna, Purba Bardhaman shall proceed with the suit in accordance with law with due notice upon both the parties.
- 12.** Keeping in mind the case of the husband/opposite party herein, the learned Additional District Judge shall be at liberty to permit the husband/opposite party to appear virtually, if the opposite party makes such prayer.
- 13. CO 3044 of 2025 is disposed of.**
- 14.** Parties to act on the server copy of this order.
- 15.** Let a copy of this order be sent to the concerned Courts for immediate compliance.

(Shampa Dutt (Paul), J.)