

Smt. Bidisha Das
Versus
Sri Sudipta Pan

Mr. Nabankur Paul,
Mr. Soumyajit Mishra
...for the Petitioner

Learned counsel for the petitioner is present. None appears on behalf of the opposite party when the matter is called for.

The application under Section 24 of the Code of Civil Procedure is taken up for hearing. By filing the application under Section 24 of C.P.C., the wife/petitioner has prayed for withdrawal and transfer of the Matrimonial Suit No. 225/2021 from the Court of learned Additional District & Sessions Judge, FTC 1, Howrah to the Court of learned Additional District Judge, 1st Court at Siliguri, Darjeeling.

It has been contended by the petitioner that her marriage with the opposite party was solemnized according to Hindu Rites and Customs at Siliguri in the district of Darjeeling on 31.01.2005. After marriage, they lived together as husband and wife in their matrimonial home at Howrah. Parties have been blessed with a son on 31.10.2006.

At the time of marriage, the petitioner was

preparing for competitive examination and to which the opposite party had no objection and even assured her that he would not have any objection if she ever get any employment. She got an appointment as an Assistant Teacher in a Higher Secondary School at Malbazar in 2009. After appointment as an Assistant Teacher the petitioner started residing at Siliguri at her parents' house along with the child and where the opposite party used to visit them as per his convenience. Gradually, the opposite party who is an Engineer was irregular in visiting his family at Siliguri. All on a sudden she received notice of divorce suit in the year, 2021.

That she has filed a maintenance case against the opposite party claiming maintenance for the son. She has expressed her inconvenience to attend the Court at Howrah, as the distance between the Howrah and Siliguri is about 600 kilometer and journey takes about 14 hours. She has also stated that she is vertigo patient. Therefore, she has prayed for transfer divorce suit filed by her husband to the Court at Siliguri.

Thus, it appears to attend hearing of the matrimonial suit the petitioner has to travel about 600 kilometer leaving behind minor school going son. On the other hand the opposite party has to attend Court at Siliguri in connection of a Misc Case under Section 125 Cr.P.C filed by the wife, provided if he chose to

contest the same.

Considering the convenience and inconvenience of the parties and the fact the petitioner is a working woman and who has to take care of their school going minor son it would be hardship on her part to come all the way from Siliguri to attend the Court at Howrah on each and every date of hearing.

Keeping in view the above facts, the Matrimonial Suit No. 225/2021 is withdrawn from the Court of learned Additional District Judge, FTC 1, Howrah and transferred the same to the Court of learned Additional District Judge at Siliguri.

Learned Additional District, FTC 1, Howrah is requested to transfer the record of Matrimonial Suit No. 225/2021 to the Court of learned Additional District Judge at Siliguri within one month from the receipt of communication of this order.

Parties shall appear before the learned Additional District Judge at Siliguri on 7th May, 2022 irrespective of transfer of the record of the Matrimonial Suit No. 225 of 2021 but only on the basis of server copy of this order. Learned Additional District Judge, Siliguri shall act on such communication.

Transferee Court shall proceed to dispose of the said suit from the stage at which he has already reached.

Transferee Court is further requested to expedite

the disposal of the said suit in accordance with law.

Accordingly, C.O. 1252 of 2021 is disposed of.
Connected application, if any, is also disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Parties are to act on the server copy of this order
duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if
applied for, be given to the parties, upon compliance of
all formalities.

(Kesang Doma Bhutia, J.)