

**HIGH COURT OF TRIPURA
AGARTALA**

Tr. P.(C) No.10 of 2024

Smt. Dipika Debnath, W/o Sri Maharshi Malakar, resident of H/O and D/O, Haradhan Debnath, Dhaleshwar Road No.7, P.O-Dhaleshwar, Agartala, West Tripura.

..... Petitioner(s).

Versus

Sri Maharshi Malakar, S/o Sri Manindra Kumar Malakar, resident of Post Office Road, P.O & P.S- Dharmanagar, North Tripura.

..... Respondent(s).

For Petitioner (s) : Mr. S.S. Debnath, Advocate,
Mr. Debarun Singh Kunwar, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

29/08//2024

Notice has been duly served upon the respondent-husband but he has chosen not to appear despite the matter being adjourned on the previous date.

Heard Mr. S.S. Debnath, learned counsel together with Mr. Debarun Singh Kunwar for the petitioner.

Petitioner-wife seeks transfer of suit T.S (Nullity) No.02 of 2023 from the Court of the learned Family Judge, North Tripura, Dharmanagar to the competent Family Court at Agartala. The marriage between the petitioner-wife and the respondent-husband was solemnized on 15.01.2021 under the Special Marriage Act, 1954. The suit was instituted under Section 24(ii) of the Special marriage Act, 1954 for nullity on grounds of impotency and sterility. The

petitioner-wife is working in NIT, Agartala. She may, therefore, be facing difficulty in attending the suit at Dharmanagar which is situated at a considerable distance from Agartala. She also apprehends threat to her security if she regularly visits Dharmanagar to defend the case. Therefore, she has approached this Court for transfer of the suit to the competent Family Court at Agartala.

Mr. S.S. Debnath, learned counsel for the petitioner submits that if the suit is not transferred from the Court of the learned Family Judge, North Tripura, Dharmanagar to the competent Family Court at Agartala, petitioner-wife may not be able to properly contest it. As such, the prayer may be allowed.

There is no opposition to the prayer since respondent-husband has chosen not to appear despite service of notice.

On consideration of the submissions of the learned counsel for the petitioner and the materials placed from record, this Court is satisfied that the petitioner, being the wife, having the primacy of convenience, has made out a prima facie case for transfer of suit T.S (Nullity) No.02 of 2023 from the Court of the learned Family Judge, North Tripura, Dharmanagar to the competent Family Court at Agartala for the reason that Dharmanagar and Agartala are separated by considerable distance making it difficult for the petitioner to commute and attend to the proceedings of suit at Dharmanagar, North Tripura, and moreover, petitioner is employed in NIT, Agartala also.

Accordingly, let the suit T.S (Nullity) No.02 of 2023 be transferred from the Court of the learned Family Judge, North Tripura, Dharmanagar to the competent Family Court at Agartala.

With these observations, the instant petition is allowed and disposed of.

Ordered accordingly.

Let the records be transferred forthwith.

Interim stay order, if any, stands vacated.

Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ

