

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
TRP(C) No.15 of 2024

Smt. Mitali Dhar, wife of Sri Ranadip Paul, daughter of Sri Biswanath Dhar, Village- Katalpar, Near, Loknath Mandir, P.O.& P.S. Kailashahar-799277, Sub-Division- Kailashahar, District- Unakoti, Tripura

..... *Petitioner(s)*

V E R S U S

Shri Ranadip Paul, son of late Rasendra Paul, Village- East Radhapur, P.O. Radhapur-799250, P.S.& Sub-Division- Dharmanagar, District- North Tripura.

..... *Respondent(s)*

For Petitioner(s) : Ms. Nabanita Roy, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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18/12/2024

Respondent has been served notice but he has chosen not to enter appearance. Heard Ms. Nabanita Roy, learned counsel for the petitioner.

Petitioner-wife seeks transfer of T.S. (RCR) No.07/2024 from the Court of learned Family Judge, Dharmanagar, North Tripura to the Court of learned Family Judge, Kailashahar, Unakoti Tripura. She is a resident of Kailashahar, Unakoti District. The marriage between the parties was solemnized on 13.07.2013. Unfortunately, on two occasions, the child born out of the wedlock died after their birth. Thereafter, due to physical and mental torture, petitioner had left with no other alternative but to take shelter in her parental home. She is living with her old parents. She has no sources of income. She has filed a maintenance case before learned Family Court, Kailashahar against the respondent. She finds it difficult to attend the

proceedings of the matrimonial suit before the learned Family Court, Dharmanagar because of distance as movement of vehicles is very irregular, especially in the rainy season. Therefore, petitioner has sought transfer of the suit to the competent Court at Kailashahar.

Learned counsel for the petitioner submits that the respondent in any case has to attend to the maintenance case instituted before the learned Family Court, Kailashahar, Unakoti Tripura. It would, therefore, be proper that both the proceedings are tried and decided by the same Family Court, Kailashahar. Respondent may not have any difficulty in attending the matrimonial suit if transferred to Kailashahar, Unakoti Tripura.

I have considered the submission of learned counsel for the petitioner. It appears that though the two places Kailashahar and Dharmanagar are not separated by a considerable distance and commuting from one place to another may not be onerous, since petitioner has filed a maintenance case before the learned Family Court, Kailashahar, the respondent, in any case has to attend to the proceedings before the learned Family Court, Kailashahar. On the other hand, petitioner is without any source of income. It would, therefore, be proper that both the suits be tried by the Family Court at Kailashahar. In such situation, since the primacy of convenience lies in favour of the petitioner-wife, I deem it proper to direct transfer of T.S. (RCR) No.07/2024 from the Court of learned Family Judge, Dharmanagar, North Tripura to the Court of learned Family Judge, Kailashahar, Unakoti Tripura also taking into account that the

proceedings are still at the stage of appearance as informed by the learned counsel for the petitioner.

Ordered accordingly.

The instant petition is accordingly disposed of.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ

DIPESH DEB

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