

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
TRP(C) NO.01 of 2025

Smt. Manti Das, wife of Sri Shantanu Das, daughter of Sri Ratish Das, aged about 35 years, resident of Khilpara, Amtala, P.O. Khilpara, P.S. R.K. Pur, Udaipur, Gomati Tripura, Pin-799114.

..... *Petitioner(s)*

V E R S U S

Sri Santanu Das, son of Sri Keshab Lal Das, resident of Resham Bagan, P.O. Resham Bagan, P.S. East Agartala, District- West Tripura, Pin-799008.

..... *Respondent(s)*

For Petitioner(s) : Mr. Sankar Lodh, Advocate,
Mr. Subham Majumder, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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28/03/2025

Heard Mr. Subham Majumder, learned counsel appearing for the petitioner-wife and also heard Mr. Bidyut Majumder, learned counsel appearing for the respondent-husband.

Petitioner-wife seeks transfer of T.S. (DIV) 330 of 2024 from learned Family Court, Agartala, West Tripura to the learned Family Court, Udaipur, Gomati Tripura.

The marriage between the parties was solemnized on 26.05.2022. Thereafter due to marital discord, she has been compelled to move out and live with her parents in Gomati District. She has instituted a case for maintenance under Section 125 Cr.P.C. A case under domestic violence act being C.R.(DV) 57 of 2022 instituted by her against the respondent was disposed of vide judgment dated 05.06.2024 against which

she has preferred Crl. Appeal 10 of 2024. Respondent has also filed an appeal against the order passed in the DV case.

Learned counsel for the petitioner submits that since Agartala and Udaipur are separated by a considerable distance of about 60 kilometers, it is difficult for her to commute to attend to the proceedings of the divorce suit moreover since she has no independent source of income. Therefore, she has prayed for transfer of T.S. (DIV) 330 of 2024 from learned Family Court, Agartala, West Tripura to learned Family Court, Udaipur, Gomati Tripura.

Respondent has appeared on notice and filed a counter affidavit. Learned counsel for the respondent-husband has referred to paragraph 9 of the counter-affidavit and submitted that respondent's father and mother are aged about 82 and 70 years respectively. Father is suffering from severe illness of back femur (L) (broken hip) and is bed ridden. Mother is also suffering from various ailments. No one else is available in his home to look after his old aged parents. Respondent is getting a monthly wage of Rs.6,000/- per month in a private job on no work no pay basis out of which he is paying Rs.2,000/- per month as maintenance to his wife as per order passed in Crl. Misc. 117 of 2022. Therefore, it would be very inconvenient for the respondent to prosecute the suit if it is transferred to the learned Family Court, Udaipur. Learned counsel for the respondent further submits that facility of video conferencing can be used for the petitioner to give her evidence as has been suggested by the Supreme Court in case of ***Krishna Veni Nagam versus Harish Nagam***, reported in ***AIR 2017 SC 1345***.

Learned counsel for the petitioner in reply submits that while petitioner is without any independent source of income, the husband admittedly is engaged in a private job. As such, it would be more onerous for the wife to move out from Udaipur where she is residing with her parents to attend to contest the suit at Agartala than the respondent-husband to prosecute it. As such, T.S. (DIV) No.330 of 2024 may be transferred to learned Family Court, Udaipur, Gomati Tripura from the learned Family Court, Agartala, West Tripura.

I have considered the submissions of learned counsel for the parties and taken note of the relevant material facts placed from record. Petitioner is without any sources of income. Therefore, she is getting maintenance under Section 125 of Cr.P.C from the respondent-husband. Respondent on the other hand has a job. Agartala and Udaipur are separated by a distance of approximately 60 k.m. As compared between the husband and the wife, it would be onerous for the wife to commute as a lady to contest the suit at Agartala whereas it would not be so difficult for the husband to prosecute the suit if it is transferred to learned Family Court, Udaipur even taking the distance factor.

Having regard to the totality of facts and circumstances, therefore, this Court is of the view that interest of justice would be served if the suit (T.S. (DIV) 330 of 2024) pending before the learned Family Court, Agartala, West Tripura is transferred to the learned Family Court, Udaipur, Gomati Tripura.

Ordered accordingly.

The instant petition stands disposed of.

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

(APARESH KUMAR SINGH) CJ

