

GAHC010006412026



2026:GAU-AS:5652

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)/9/2026

SMT. POMPI DEBNATH
D/O DHARANI DEBNATH AND WIFE OF MITHUN DEBNATH, R/O
KANAKPUR PT- II, WARD NO. 14, P.O. RANGHIRKHARI, P.S.- SILCHAR,
DIST.- CACHAR, ASSAM, PIN- 788005

VERSUS

MITHUN DEBNATH
S/O PROBATH DEBNATH, R/O VILL. HAILAKANDI TOWN, WARD NO.- VIII,
P.S. AND DIST.- HAILAKANDI, ASSAM.

Advocate for the Petitioner : MR. S C BISWAS, MS. T SARMA, MS. S. CHANDA, MR. MEHUL SHAH, MS. J GHOSH, MS. U NANDA

Advocate for the Respondent : MR. N HAQUE, MS. S K LASKAR, MR. A K AZAD

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24.04.2026

Heard Mr. S.C. Biswas, learned counsel for the petitioner. Also heard Mr. N. Haque, learned counsel for the respondent.

2. This petition, under Section 24 of the CPC, read with Section 151 of the

CPC, is preferred by the petitioner for transferring T.S. (Divorce) Case No. 69/2025, pending before the Court of learned District Judge, Hailakandi to the Court of learned Principal Judge, Family Court, Cachar, Silchar.

3. Mr. Biswas, learned counsel for the petitioner submits that the petitioner is the wife of the respondent and that their marriage was solemnized on 29.01.2015, as per Hindu rites and rituals. Mr. Biswas also submits that they had resided together as husband and wife in the matrimonial home at Hailakandi and out of their wedlock, a daughter was born on 08.04.2017, and she is currently residing with the present petitioner. Mr. Biswas further submits that after a few months, marital discord surfaced between the parties and the petitioner was compelled to leave the matrimonial home on 10.10.2018, and since then, she has been residing with her minor child at her parental abode at Silchar. Mr. Biswas also submits that the respondent had filed two suits for the restitution of conjugal rights, but the same were settled amicably on the assurance given by the parties to live together as husband and wife. But, again marital discord surfaced between them and the petitioner had instituted one proceeding under Sections 12 and 23 of the Protection of Women from Domestic Violence Act, 2005, being Misc. Case (Domestic Violence) No. 304/2024, and the same is pending before the Court of learned Judicial Magistrate First Class-I, Cachar, Silchar, and in the said DV case, the respondent herein is appearing regularly. Mr. Biswas further submits that thereafter, respondent herein had instituted T.S. (Divorce) Case No. 69/2025, before the Court of learned District Judge, Hailakandi and the petitioner herein is unable to appear before the Court of learned District Judge, Hailakandi as there is none to look after her minor child and her ailing father in Silchar, and since the respondent is appearing in the Misc. Case (Domestic Violence) No. 304/2024,

pending before the Court of learned Judicial Magistrate First Class-I, Cachar, Silchar, the T.S. (Divorce) Case No. 69/2025 may also be transferred to the Court of learned Principal Judge, Family Court, Cachar, Silchar.

3.1. Mr. Biswas further submits that the petitioner herein is willing to reside together with the respondent as husband and wife and if the matter is referred to mediation, there is every possibility of resolving the dispute amicably.

4. Per contra, Mr. Haque, learned counsel for the respondent has vehemently opposed the petition. He submits that the distance between Hailakandi and Silchar is only about 35 kilometres, and that in transfer petition, convenience of both the parties has to be taken note of, and under such circumstances, he has contended to dismiss the petition.

5. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record.

6. The basic facts herein this case are not in dispute. The petitioner is residing with her minor child in Silchar at her parental abode and the respondent is residing at Hailakandi. It is also not in dispute that one domestic violence case is pending between the parties before the Court of learned Judicial Magistrate First Class-I, Cachar, Silchar, wherein the respondent is regularly appearing. Though the distance between Silchar and Hailakandi is about 35 kilometres, yet it is the categorical contention of Mr. Biswas, learned counsel for the petitioner that there is none to look after the minor child and ailing father of the petitioner if she has to contest the proceeding before the learned District Judge, Hailakandi. There is also possibility of an amicable settlement of the dispute between the parties as Mr. Biswas, learned counsel for the petitioner has

categorically submitted that if the matter is referred to mediation, then there is every possibility of resolving the dispute amicably between the parties.

7. There is no doubt that in transfer proceedings, convenience and inconvenience of both the parties has to be looked into. However, in the instant case, in view of the inconvenience of the petitioner that has been assigned in this petition and in view of the submission of Mr. Biswas, learned counsel for the petitioner, this Court is of the view that ends of justice would be meted out if the T.S. (Divorce) Case No. 69/2025 is transferred to the Court of learned Principal Judge, Family Court, Cachar, Silchar.

8. Accordingly, T.S. (Divorce) Case No. 69/2025, pending before the Court of learned District Judge, Hailakandi stands transferred to the Court of learned Principal Judge, Family Court, Cachar, Silchar.

9. Mr. Haque, learned counsel for the respondent, however, submits that a common date for both the cases in the Court of learned Principal Judge, Family Court, Cachar, Silchar and in the Court of learned Judicial Magistrate First Class-I, Cachar, Silchar may be fixed so that no inconvenience is caused to the respondent in appearing in both the cases.

10. Accordingly, it is provided that both the parties shall approach the Courts at Cachar, Silchar and on such prayer being made, the learned Courts below shall consider the same keeping in mind the convenience of the respondent herein.

11. The petitioner shall obtain a certified copy of this order and place the same before the Court of learned District Judge, Hailakandi and upon receipt of the same, the learned District Judge, Hailakandi shall transmit the records of T.S. (Divorce) Case No. 69/2025, to the Court of learned Principal Judge, Family

Court, Cachar, Silchar, forthwith.

12. In terms of above, this transfer petition stands disposed of.

JUDGE

Comparing Assistant