

S/L 189
05.01.2023
Court No.652
SD

CO 3933 of 2022

Smt. Tanusree Kansa Banik (Das)
Vs.
Sri Sanjib Das

Mr. Somnath Adhikary

...for the Petitioner.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.1589 of 2021 presently pending before the Court of learned Additional District Judge, 9th Court, Fast Track Court-I at Barasat, North 24 Parganas to the Court of learned District Judge, Murshidabad at Berhampore.

The petitioner contended that the petitioner was married with the opposite party on 28.02.2021 as per Hindu rites and customs. After few days of marriage, the conjugal relationship got deteriorated due to immense physical and mental torture inflicted by the opposite party/husband and the in laws.

She further alleged that the husband of the petitioner and other in laws also pressurized her for more dowry and finally on 04.4.2021 she was driven out from her matrimonial home. She has now taken shelter at her parental house at Berhampur where she has initiated a proceeding under Section 125 of the Code of Criminal Procedure seeking maintenance which is pending before the learned Magistrate, Berhampore Court. Moreover, she has

also initiated another criminal proceeding under Section 498A/323/406/506 of the Indian Penal Code which is also pending before the Berhampur Court.

Petitioner submits that the petitioner is suffering hardship and difficulty to appear and contest and/or defend the said matrimonial suit pending in the Court at Barasat which situates at a distance of 170 kms. from her present place of residence. Moreover, the parents of the petitioner are aged and it would not be possible for them to appear and adduced evidence in the said case undertaking a journey of long distance from Murshidabad to Barasat. Accordingly, petitioner has sought for aforesaid transfer.

The petitioner is directed to serve a copy of the revisional application upon the opposite party within a period of ten days through speed post with acknowledgement due intimating the next date of hearing and file affidavit of service on the returnable date.

Let the matter appear under the heading 'Hearing of Sec.24 Application' on February 14, 2023.

Considering the submissions made by the petitioner, let there be an order of stay of all further proceedings in Matrimonial Suit No.1589 of 2021 presently pending before the Court of learned Additional District Judge, 9th Court, Fast Track Court-I at Barasat, North 24 Parganas, for a period of eight weeks or until further order whichever is earlier.

(Ajoy Kumar Mukherjee, J.)