

29.07.2026
Item No.30
Court No. 30
g.b.

CO 4355 of 2025

Smt. Arpita Ghosh
-vs-
Sri Subrata Kumar Ghosh

Mr. Abhijit Ray
Mr. Santu Nandy
... For the Petitioner
Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
...For the Opposite Party

- 1.** Learned counsel for the husband/opposite party submits that the petitioner/wife has preferred the application for transfer at a belated stage. It is further stated on placing several orders that, all along since 2023 the petitioner/wife is attending the Court at Howrah.
- 2.** It appears that the wife/petitioner now has prayed for transfer of the case to Malda, where she resides with her child aged 7 years.
- 3.** Learned counsel for the husband/opposite party has placed a copy of the plaint in the matrimonial suit which is annexed at page 19, wherein it appears that the

wife/petitioner also has a house in Kolkata. It is further submitted that summons were received at the said address, Kolkata. It is, thus, submitted that the prayer should not be considered, as it will cause immense inconvenience to the opposite party.

4. It is countered by the learned counsel for the petitioner that it has been categorically stated in the revisional application that the wife never resided at Kolkata at the address given in the matrimonial suit and has been residing at Malda with her minor child, since she was compelled to leave her matrimonial home.
5. The revisional application has been preferred by the wife/petitioner praying for transfer of MAT Suit no. 492 of 2023 from the Court of the Learned 3rd Additional District Judge at Howrah to the Court of the Learned District Judge at Malda.
6. On hearing the learned counsel for the parties and on perusal of the materials on record, it appears that the Matrimonial Suit has been filed in the Court of Learned 3rd Additional District Judge at Howrah by the husband/opposite party herein.

7. The petitioner/wife herein is residing with her minor child aged 7 years at Village Aiho (Khasbas Para), P. S. Habibpur, District – Malda, PIN 732121.
8. Considering the difficulty of the petitioner/wife to travel to Howrah Court on regular basis, this Court relying upon the judgments of the Hon'ble Supreme Court in ***N.C.V. Aishwarya vs A.S. Saravana Karthik Sha, in Civil Appeal No(s). 4894 of 2022 (arising out of SLP (C) No(s). 16465 of 2021), decided on July 18, 2022, (Para 11, 12)***, directs that Matrimonial Suit No.492 of 2023 be withdrawn from the Court of Learned 3rd Additional District Judge at Howrah and be transferred to the Court of Learned District Judge at Malda.
9. Learned District Judge at Malda shall proceed with the suit in accordance with law with due notice upon both the parties.
10. Keeping in mind the case of the opposite party herein, the Learned District Judge at Malda shall be at liberty to permit the opposite party to **appear virtually**, if such prayer is made.

- 11.** The transferee court shall make all endeavour to dispose of the matrimonial suit within one year from the date of communication of this order without granting any unnecessary adjournment to either of the parties.
- 12. CO 4355 of 2025 is disposed of.**
- 13.** Parties to act on the server copy of this order.
- 14.** Let a copy of this order be sent to the concerned Courts for immediate compliance.

(Shampa Dutt (Paul), J.)