

Court No. 5
(266017)

CO 4205 of 2024

14.02.2025
(AD 14)
(S. Banerjee)

Smt. Anasmita Mukherjee nee Banerjee
Vs.
Sri Ranendra Narayan Mukherjee

Mr. Ritzu Ghosal, Sr. Advocate
Mr. Amiya Kumar Dutta
Mr. Swadesh Priya Ghosh

...for the petitioner

1. This application has been filed under Section 24 of the Code of Civil Procedure, 1908 praying, inter alia, for transfer of MAT Suit No. 261 of 2019, presently pending before the Court of Learned Additional District Judge, Fast Track Court at Kalyani to the Court of the learned Additional District Judge, Sealdah, District South 24 Parganas.
2. Mr. Ghosal, learned Senior Advocate representing the petitioner would submit that the previous attempt made by the petitioner to seek transfer of the matrimonial suit from Kalyani to Sealdah had failed since the Court was of the view that Kalyani and Sealdah are well-connected by multiple local trains. It is, however, submitted that the cause of action for the present application is based on a different consideration. While the petitioner started attending the Court

at Kalyani after rejection of the previous application, the petitioner's husband, whom the petitioner claims to be extremely influential, had been humiliating and intimidating the petitioner within the Court premises. Following the above, the petitioner had lodged a complaint with the local police station on 11th September, 2023. Subsequently the police authorities had filed a final report. Challenging such final report the petitioner has filed a Narazi petition. Although an FIR had been registered, the petitioner's husband had since surrendered and has been released on bail.

3. Mr. Ghosal appearing for the petitioner would submit that by reasons of the threat and intimidation the petitioner had been overwhelmed by an unknown trauma. The petitioner as such is unable to travel to Kalyani from Kolkata and has also developed an anxiety disorder. He would submit in the facts noted hereinabove, unless the above suit is transferred to any other Court within the precincts of the local limits of the jurisdiction where the petitioner resides, the petitioner shall suffer irreparable loss and injury.
4. Having heard the learned Senior Advocate appearing for the petitioner and having considered the materials on record though it appears that on previous occasion a coordinate

Bench of this Court by order dated 2nd May, 2022 had rejected the application on the ground noted therein, however, taking note of the subsequent development as recorded above, I am of the view that a notice of this application be served on the opposite party.

5. Considering the prima facie case, the balance of convenience, pending hearing of this application there shall be stay of all further proceedings in MAT Suit No. 201 of 2019 pending before the Court of learned Additional District Judge, Fast Track Court at Kalyani till the end of April, 2025 or until further order whichever is earlier.
6. The petitioner is directed to serve the opposite party and file affidavit of service when the matter is taken up next.
7. List the matter in the Monthly List of April, 2025 under the heading 'Returnable Motion'.
8. As prayed for, leave is granted to the petitioner to file supplementary affidavit with service of an advance copy thereof on the opposite party on or before the matter is taken up next.

(Raja Basu Chowdhury, J.)