

02.12.2021  
Item No.1  
Ct. No.7  
CHC

**C.O. 2060 of 2021  
(Physical Hearing)**

**Aditi Banerjee nee Chattopadhyay  
Vs.  
Sukalpo Banerjee**

Mr. Malay Bhattacharyya,  
Mr. Subhrajyoti Ghosh  
...for the petitioner

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of a Matrimonial Suit No.2606 of 2021, for restitution of conjugal life from the court of learned District Judge, Alipore to any competent court in the District of Bankura.

Mr. Bhattacharyya, learned advocate appearing for the petitioner submits that under a compelling circumstances, petitioner/wife has been residing in her parental house at Bishnupur within Bankura.

The marriage of the petitioner was held on 4<sup>th</sup> August, 2021 and on and from 8<sup>th</sup> August, 2021, the petitioner/wife has been staying apart from her husband. The husband/opposite party has filed the instant Matrimonial Suit at Alipore Court. The petitioner is submitted to be a housewife having no income of her own to maintain herself. After being

deserted by her husband, petitioner has already lodged a complaint under Section 156(3) Cr.P.C. alleging commission of offence under Section 498A I.P.C. and allied sections against her husband and an F.I.R. has been registered against the opposite party/husband at Bishnupur.

In such context, learned advocate for the petitioner submits that it would be very difficult on the part of the petitioner to undertake journey simply to participate in the hearing of Matrimonial Suit brought against her by the husband after incurring huge expenses involved therefor. Accordingly, transfer is proposed.

Having considered the submission of learned advocate for the petitioner and the *prima facie* case being established, intervention is felt necessary granting interim stay at least for a limited period of time.

Let there be an order directing stay of the proceedings pending in the court below for a period of four weeks from hence.

Petitioner is directed to serve copy of this application upon the opposite party and his learned advocate appearing in the court below by Speed Post with Acknowledgement Due and furnish affidavit-of-service on the next returnable date.

List the matter three weeks after under the heading  
“Application” under Section 24 of the Code of Civil  
Procedure.

**(Subhasis Dasgupta, J.)**