

**SUPREME COURT OF INDIA**

Smt. Priyanka Biswas

Vs.

Subrato Biswas

Transfer Petition (Civil) 549 of 2004

(S.N.Variava and Tarun Chatterjee JJ.)

22.07.2005

**JUDGMENT**

**S.N.Variava, J.**

1. By this Transfer Petition the Petitioner seeks transfer of Matrimonial Suit No. 466 of 2004 titled as Subrato Biswas Vs. Smt. Priyanka Biswas and others from the Court of Family Judge, Barasat, Distt. 24 Pargana, West Bengal to the Court of Family Judge, Ara, Bihar.

2. The Respondent has remained absent even though served.

3. The Petitioner claims that she was kidnapped from Ara Distract in Bihar by the Respondent and five others while she was returning from the college for admission in B.A. Part III. The Petitioner claims that she was forcibly taken to Chandanpada Nadia in West Bengal and that thereafter a ransom of Rs.4, 00, 000/- was claimed from her family members. The Petitioner further claims that under threat of death her signatures were taken before the Registrar of Marriages purportedly to show that she was married to the Respondent. She claims that she managed to run away from the custody of the Respondent and had come to her parental house and has now received summons of the Matrimonial Suit. She claims that there is a serious threat and apprehension of causing bodily injury or death if she has to go to West Bengal. She further claims that her father is a very old man and cannot travel with her and that she is a young girl and cannot travel alone. It is also claimed that she does not have sufficient money to go to West Bengal and to engage counsel over there. None of the above averments has been refuted by the Respondent. We therefore accept all the averments to be true. The grounds set out above are, in our view, sufficient to transfer the Matrimonial Case No. 466 of 2004.

4. We therefore allow this Transfer Petition and transfer the Matrimonial Case No. 466 of 2004 titled as Subrato Biswas Vs. Smt. Priyanka Biswas and others from the Court of Family Judge, Barasat, Distt. 24 Pargana, West Bengal, to the Court of Family Judge, Ara, Bihar. There will be no order as to costs.