

GAHC010010202023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)./12/2023

MINAKSHI LAHKAR TAMULI
W/O. SRI DHRUBA KUMAR TAMULI, D/O. SRI PRAAP LAHKAR, VILL.
BILPAR, P.O. BILPAR, P.S. GHOGRAPAR, DIST. NALBARI, ASSAM.

VERSUS

DHRUBA KUMAR TAMULI
S/O. LT. AJAY KUMAR TAMULI, R/O. PUB SARANIA, HOUSE NO.11, BYE
LANE NO.1, P.O. SILPUKHURI, P.S. CHANDMARI, GUWAHATI-03, DIST.
KAMRUP (M), ASSAM.

Advocate for the Petitioner : MR. R CHETRI

Advocate for the Respondent : MR P P MEDHI

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 29.11.2023

Heard Mr.R.Chetri, learned counsel for the petitioner and Dr.P.P.Medhi, learned counsel for the respondent.

By this petition filed under Section 24 of the Code of Civil Procedure, 1908 r/w Article 227 of the Constitution of India, the petitioner has prayed for transfer of F.C. (Civil) No.1204/2022 pending in the Court of Principal Judge, Family Court No.2, Kamrup (M), Guwahati to the Court of Principal Judge, Family Court, Nalbari.

The learned counsel for the petitioner has stated that the petitioner is staying at her permanent residence at Nalbari and so it has become difficult on her part to attend on each and every date in the proceeding pending in the Family Court No.2, Kamrup (M), Guwahati. It is seen that other cases under Section 125 CrPC and 406 IPC are also pending in the Court of learned CJM, Nalbari. Therefore, it is submitted that she being a helpless lonely lady residing at Nalbari, the F.C. (Civil) No.1204/2022 pending in the court of learned Principal Judge, Family court No. 2, Kamrup(M), Guwahati filed by her husband/ respondent may be transferred to the Family Court at Nalbari.

Dr.P.P. Medhi, learned counsel for the respondent by referring to the affidavit filed by respondent submits that the instant petition has been filed deliberately citing some vague grounds without any justification. Dr.Medhi further submits that proceeding is pending at its final stage and negotiations have been going on between the parties for settlement of the permanent alimony amount.

Upon hearing learned counsel of both sides and consideration of the averments made in the respective applications/ affidavit-in-opposition, it appears that the appellant lady is in a disadvantageous position to appear on every date before the learned Family Court at Guwahati in the aforesaid F.C(Civil) No. 1204/2022 and at the same time, this Court finds that the respondent husband has no difficulty in attending the proceeding at Nalbari as he is a resident of Guwahati i.e. a nearby place.

Having considered the aforesaid aspects of the matter and on being convinced that it is expedient for ends of justice to transfer the proceeding of F.C. (Civil) No.1204/2022 pending in the Court of Principal Judge, Family Court No.2, Kamrup (M), Guwahati to the Family Court at Nalbari.

Accordingly, it is further directed that the process of transfer of aforesaid proceeding shall be completed within a period of one month from the date of this order.

A certified copy of order (s) shall be furnished to the respective courts by the petitioner.

Both the parties shall appear before the Family Court, Nalbari on 21.12.2023 for necessary order.

The transfer petition stands disposed of.

JUDGE

Comparing Assistant