

GAHC010073952023



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

Case No. : Tr.P.(C)./33/2023

ANJALI BASFORE
W/O- SRI GOVINDA BASFORE,
R/O- HORIJON COLONY, AMLA SKOLA,
DALIMA ROAD, NEAR SILVER JUBLEE SCHOOL,
P.O.- TEZPUR, P.S.- TEZPUR,
DIST- SONITPUR, ASSAM.
PIN- 784001.

VERSUS

GOVINDA BASFORE
S/O- SRI BHUBAN BASFORE,
R/O- PANDU LOCO COLONY,
PANDU, P.S.- JALUKBARI,
DISTRICT- GUWAHATI- 781012.

Advocate for the Petitioner : DR G J SHARMA

Advocate for the Respondent : MR. K BHATTACHARJEE (R-1)

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

09.11.2023

Heard Dr. GJ Sharma, learned counsel for the petitioner Anjali Basfore being the wife. Also heard Ms. A Barman, learned counsel for the respondent Govinda Basfore being the husband.

2. This petition under Section 24 read with Section 151 of the Code of Civil Procedure is instituted for transfer of FC(Civil) Case No.1322/2021 filed by the respondent husband in the Court of the learned Principal Judge, Family Court at Guwahati to the Court of the learned District Judge at Sonitpur.

3. It is stated that there is a domestic violence matter pending between the parties being CR(DV) Case No.978/2017 in the Court of the learned Sub-Divisional Judicial Magistrate Tezpur which was instituted by the petitioner wife.

4. The petitioner and the respondent were married on 14.04.2012 and after their marriage they were residing at Pandu, Guwahati and from the wedlock a male child was born on February 2014. As the petitioner alleges that she suffered domestic violence at her matrimonial house, she returned back to the paternal house at Tezpur along with her son on 26.02.2016 and since then she has been residing in her paternal house along with her son who is presently about 9 years old and is studying in a school at Tezpur.

5. The petitioner wife states that she does not have any further source of income other than the maintenance paid to her by the respondent as per the order of the Court in the domestic violence case. In the circumstance, this

petition for transfer of FC(Civil) Case No.1322/2021 pending in the Court of the learned Principal Judge Family Court at Guwahati is made for transferring the proceeding to the Court of the learned District Judge at Sonitpur on the ground of inconvenience and financial constrain on the part of the petitioner wife to participate in the proceeding at Guwahati.

6. Ms. A Barman, learned counsel for the respondent husband upon instruction has made the statement that the respondent husband has no objection if the proceeding is transferred to the Court at Sonitpur. Apart from the plea of inconvenience being raised by the petitioner wife, we also take note that in any view of the matter, the respondent husband is required to proceed to Tezpur to attend to the proceeding in the CR(DV) Case in the Court of the learned Sub-Divisional Judicial Magistrate Tezpur on the respective dates, as may be fixed.

7. In the circumstance, we agree with the prayer of the petitioner wife to transfer the FC(Civil) Case No.1322/2021 pending in the Court of Principal Judge Family Court at Guwahati to the Court of the learned District Judge at Sonitpur for further proceeding. But in order to mitigate the inconvenience of the respondent husband, we also further provide that the parties would make request before the respective Courts i.e. the Court of the learned Sub-Divisional Judicial Magistrate Tezpur pursuing with the domestic violence case and the Court of the learned District Judge at Sonitpur before whom the FC(Civil) Case No.1322/2021 would now be transferred to make it possible, as far as practicable, to have the same date of appearance for the parties.

8. A copy of this order be made available to the Court of the learned Sub-Divisional Judicial Magistrate Tezpur as well as to the Court of the learned District Judge at Sonitpur for the purpose of making it convenient for the parties so that a common date of appearance may be fixed in both the proceedings.
9. Accordingly, it is directed that FC(Civil) Case No.1322/2021 pending in the Court of Principal Judge Family Court at Guwahati be transferred to the Court of the learned District Judge at Sonitpur.
10. The Office of the learned Principal Judge, Family Court Guwahati is directed to transmit the records of the FC(Civil) Case No.1322/2021 to the Court of the learned District Judge at Sonitpur.
11. This transfer petition stands disposed of in the above terms.

JUDGE

Comparing Assistant