

GAHC010181042022



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

Case No. : Tr.P.(C)/93/2022

SMTi. TRISHNA DEVI
W/O SHRI ANJAN SARMA, D/O SHRI KESHAB SARMA, P/R/O VILL-
BORKURA, CHARMINAR CHACK, P.O.-BALIKARIA, PIN-781341

VERSUS

ANJAN SARMA
S/O LATE BHRIGU DUTTA SARMA, P/R/O VILL- BORKURA, CHARMINAR
CHACK, P.O.-BALIKARIA, PIN-781341, DIST- NALBARI, ASSAM, P/R/A C/O
SHRI GAUTAM SARMA, KALYANPUR, P.O.-BISWANATH CHARIALI, PIN-
784176, DIST- BISWANATH

Advocate for the Petitioner : MR. K K PARASAR

Advocate for the Respondent : MR M RANA

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

14.06.2023

Heard Mr. K. K. Parasar, the learned counsel for the petitioner and Mr. M. Rana, the learned counsel appearing on behalf of the respondent.

2. This is an application under Section 24 of the Code of Civil Procedure,

1908 for transfer of the T.S.(M) No.28/2022 from the Court of the learned District Judge, Biswanath at Biswanath Chariali to the Court of the learned District Judge, Nalbari.

3. From a perusal of the materials on record and taking into account the fact, more particularly, the statements made in paragraph No.5 of the instant petition wherein the basic ground alleged is that the petitioner herein does not have money to travel to Biswanath on each and every date for appearing before the Court and that the petitioner is a housewife and she is not in a position to travel to Biswanath and incur the expenses thereof, the instant petition has been filed.

4. It is relevant to take note of that in the proceedings before the learned District Judge at Biswanath, the provisions of Section 13 of Family Courts Act, 1984 do not apply, and as such, the petitioner very well can appear before the said Court through a legal counsel except on such date as the Trial Court may direct the petitioner to appear or on such date when the petitioner has to appear on account of tendering evidence or appearance for cross-examination.

5. This Court is of the view that the interest of justice would be met if a direction is given to the respondent to pay an amount of Rs.3,000/- (Rupees three thousand) only on the date on which the petitioner has to appear before the Trial Court. In that regard, the learned counsel for the respondent submits that the respondent has no objection to that.

6. Accordingly, this Court is not inclined to transfer the T.S.(M) No.28/2022 pending before the learned District Judge, Biswanath at Biswanath Chariali to the Court of the learned District Judge, Nalbari.

7. However, this Court directs the respondent to pay an amount of

Rs.3,000/- (Rupees three thousand) only on such date on which the petitioner has to appear before the Trial Court.

8. The parties are directed to appear before the Court of learned District Judge, Biswanath at Biswanath Chariali on **28.07.2023** on which date, the petitioner shall file her written statement without fail.

9. In view of the above, the instant petition stands disposed of.

10. The interim order passed earlier stands vacated.

JUDGE

Comparing Assistant