

GAHC010191602022



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

Case No. : Tr.P.(C)/98/2022

MITALIMA BARUAH
W/O- SRI PRASANNA JIT RABHA, NOBUDAYA PATH, V.K.V. SCHOOL ROAD,
LACHIT NAGAR, DIBRUGARH, P.O., P.S. AND DIST. DIBRUGARH, ASSAM,
PIN- 786001.

VERSUS

PRASANNA JIT RABHA
S/O- SRI NIRANJAN PRASAD RABHA, R/O- ANANDAPUR, HENGRABARI,
JAPORIGOG, GANGA PATH, HOUSE NO. 3 GUWAHATI, DIST. KAMRUP(M),
ASSAM, PIN- 781006.

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : MR. G PEGU

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

20.02.2023

None appears for the petitioner on call. Also heard Mr. G. Pegu, learned counsel for the respondent.

2. The present application is filed under Section 24 of the Code of Civil Procedure, 1908, for transfer of proceeding of F.C. (Civil) Case No. 1086/2021 filed by the respondent/husband under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 read with Section 27 (1) (d) of the Special Marriage Act, 1954 for dissolution of marriage with the instant petitioner/wife which is presently pending in the Court of learned Principal Judge, Family Court No. III, Kamrup (M) Guwahati, Assam to the Court of learned District Judge, Dibrugarh.

3. The learned counsel for the petitioner has projected that the marriage was solemnized between the petitioner (wife) and the respondent (husband) before the Marriage Officer, Dibrugarh on 09.12.2005. Out of their wedlock, a male child was born on 29.10.2010 and presently residing with the petitioner at Dibrugarh who is aged about 12 years. It has also been submitted that the respondent is a Govt. employee and presently residing at Dibrugarh and therefore, it will not be inconvenient for him to participate in the aforesaid proceeding if the same is transferred to Dibrugarh. It is submitted that the petitioner is now serving temporarily as a Data Entry Operator in Dibrugarh Medical College and Hospital at Dibrugarh for which it is not possible for her to travel on each and every date to attend the Family Court proceedings at Guwahati.

4. The present petitioner claims that it will be difficult on her part and inconvenient to travel from Dibrugarh to attend the Court of learned Principal Judge, Family Court No. III at Kamrup (M), Guwahati.

5. Mr. G. Pegu, learned counsel for the respondent has fairly submitted that his client will have no objection if the proceeding of F.C. (Civil) Case No. 1086/2021 pending in the Court of learned Principal Judge, Family Court No. III,

Kamrup (M) Guwahati, Assam is transferred to the Court of learned District Judge, Dibrugarh.

6. Accordingly, taking note of the matter in entirety, the present petition is allowed by transferring the case pending in the Court of learned Principal Judge, Family Court No. III at Kamrup (M), Guwahati to the Court of learned District Judge, Dibrugarh, Assam.

7. The learned Principal Judge, Family Court No. III at Kamrup (M), Guwahati, shall transmit the record to the Court of learned District Judge, Dibrugarh, Assam.

8. The parties shall appear before the Court of learned District Judge, Dibrugarh, Assam on 27.03.2023.

9. Registry to communicate this order to the Court of learned Principal Judge, Family Court No. III at Kamrup (M), Guwahati as well as the Court of learned District Judge, Dibrugarh, Assam.

JUDGE

Comparing Assistant