

GAHC010229582022



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

Case No. : Tr.P.(C)./112/2022

SMTI. MOUMITA BARUAH
D/O SRI ALIP BARUAH, W/O SRI BIKRAM RAJKHOWA, P/R/A BHUPEN
HAZARIKA PATH, P.O., P.S. AND DIST- TINSUKIA, ASSAM, PIN-786125

VERSUS

BIKRAM RAJKHOWA
S/O SRI PRASENJIT RAJKHOWA, R/O CHOKIAL GAON, WARD NO. 4,
DERGAON TOWN, P.O. AND P.S.-DERGAON, DIST- GOLAGHAT, ASSAM, PIN-
785614

Advocate for the Petitioner : MR. A K GUPTA

Advocate for the Respondent : MR. I A HAZARIKA

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

27. 02. 2023

Heard Mr. A K Gupta, learned counsel for the petitioner. Also heard Mr. I A Hazarika, learned counsel for the respondent.

2. The present application is filed under Section 24 CPC, praying for transfer

of matrimonial proceedings, being TS (M) No. 68/2022 from the court of learned District Judge, Golaghat to the court of learned District Judge, Tinsukia.

3. It is the pleaded case of the petitioner that the present petitioner had instituted two proceedings against the respondent husband in the court of learned District Judge, Tinsukia being TS (M) No. 160/2022. Such petition was filed under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal right. Another petition being Misc Case (D) 44/2020 is also pending before the learned court of Chief Judicial Magistrate, Tinsukia and the said application was filed under different provisions of the Protection of Women from Domestic Violence Act, 2005.
4. It is also contended that the respondent husband is contesting the said case in Tinsukia inasmuch as in the meantime, the respondent husband has filed a petition under Section 10 of Hindu Marriage Act, 1955 for decree of judicial separation which was registered as TS (M) 68/2022 and presently pending before the learned District Judge, Golaghat.
5. It is the contention of the present petitioner that if the TS (M) 68/2022 is transferred to the learned District Judge, Tinsukia from the court of learned District Judge of Golaghat and tried simultaneously that will facilitate proper justice.
6. It is the further case of the petitioner that there will be serious inconvenience for her to contest the suit at Golaghat.
7. Mr. Hazarika, learned counsel for the respondent submits that he has no objection if the matter is transferred to the learned District Judge, Tinsukia from the court of learned District Judge of Golaghat inasmuch his client

intending to withdraw the same.

8. As the learned counsel for the respondent has raised no objection, considering the uncontroverted pleadings made in the present petition and also considering the fact that multiple proceedings involving both husband and wife should be tried analogously, this court is inclined to allow the present petition.
9. The learned District Judge, Golaghat shall transmit the record of TS (M) 68/2022 to the learned court of District Judge, Tinsukia. Parties to appear before the learned trial court on 31.03.2023.
10. With the aforesaid observation, this transfer petition is disposed of.

JUDGE

Comparing Assistant