

GAHC010257702022



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

Case No. : Tr.P.(C)./125/2022

DR. ISHITA GOGOI
W/O- DR. CHANDANJYOTI DAS, D/O- DR. BHUBAN CHAMDRA GOGOI,
R/O- WARD NO. 2, MARIANI (TC), MARIANI, DIST. JORHAT, ASSAM, PIN-
785614.

VERSUS

DR. CHANDANJYOTI DAS
S/O- SRI BHIM KANTA DAS, R/O- BHATIBONGAON, P.O. BHATIAPAR, P.S.
AND DIST. SIVASAGAR, ASSAM

Advocate for the Petitioner : MR. J K GOSWAMI

Advocate for the Respondent : MS. P BORAH

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 22-02-2023

Heard Mr.J. Barua, learned counsel for the petitioner and Ms. P.Barua, learned counsel for the respondent.

The present application filed u/s 24 of the Code of Civil Procedure, 1908 is seeking transfer of T.S.(M) case No. 91/2022 pending in the Court of learned

District Judge, Sivasagar to the learned court of District Judge, Jorhat.

2. The learned counsel for the petitioner projected that the marriage was solemnized at the Loknath Bhawan, Mariani Town, Jorhat as per Hindu rites and custom. Thereafter both the petitioner and respondent started living as husband and wife. Thereafter as a result of their conjugal life on 11.2.2020 the petitioner gave birth to a male child at Nursing Home, Jorhat . It is further submitted by the learned counsel for the petitioner that since 20.2.2020 the petitioner and her new born child have been staying at her paternal home and during that time the respondent did not come to take her back to her matrimonial home and the respondent is also showing no responsibility to the petitioner and the new born baby.

3. Learned counsel for the petitioner further submitted that the petitioner started to live in her parental house out of compulsion, as she was tortured mentally and physically by the respondent and his family members.

4. The petitioner filed a divorce petition being T.S(M) 181/2022 for dissolution of marriage before the learned District Judge, Jorhat . The respondent also filed divorce petition u/s 13(i-a) (i-b) of the Hindu Marriage Act for dissolution of marriage between the petitioner and the respondent and the petitioner was notified by a notice to appear before the learned District Judge, Sivasagar.

5. The petitioner claims that it will be difficult on her part and inconvenient to travel from Jorhat to Sivasagar to attend the court at Sivasagar in a single day with the 2 ½ years baby.

6. Considered the submission advanced and the pleadings made in the connected application. The respondent though duly represented has not filed any objection to the present transfer petition; however the learned counsel for

the respondent submits that her client has no objection if the transfer petition is allowed.

7. Considering the uncontroverted pleadings, this court is also of the view that it will be difficult on the part of the petitioner wife to contest the matrimonial case at the court of Learned District Judge, at Sivasagar. Accordingly taking note of the matter in its entirety, the present petition is allowed by transferring the case pending in the Court of learned District Judge, Sivasagar to the learned District Judge, Jorhat.

8. The learned Dist. Judge, Sivasagar shall transmit the record to the Court of learned Dist Judge, Jorhat Assam

9. Registry to communicate this order to the court of learned Dist Judge, Sivasagar as well as the Court of learned District Judge, Jorhat.

JUDGE

Comparing Assistant