

GAHC020000632023



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

Case No. : Tr.P.(C)./1/2023

SMTI. RUCHUNYHUNLE
D/O GWASOLO KENT,
R/O NEPALI COLONY, PADUMPUKHURI VILLAGE, DIMAPUR, NAGALAND

VERSUS

SHRI. TONGPANGAKUM
REGT. NO.121085,
S/O CHUBASANGBA AJEM,
R/O CHUNGTIA VILLAGE,
PIN CODE - 798601, MOKOKCHUNG, NAGALAND,
PRESENTLY POSTED AT 12 NAP(IRB) 'F' COY.HQS CHINTOK,
PIN CODE - 798625,
DISTRICT - LONGLENG, NAGALAND

Advocate for the Petitioner : HISINLO HIMB

Advocate for the Respondent : MOA JAMIR

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

07.12.2023

Heard Ms. Berta Tep, learned counsel appearing on behalf of the petitioner, and also heard Mr. Moa Jamir, learned counsel appearing on behalf of the sole respondent.

This is an application filed under Section 24 of the Code of

Civil Procedure, 1908 (for short, the Code) for transfer of Divorce Case No. 01/2022 from the Court of the Principal Judge, Family Court, Mokokchung to the Court of the Principal Judge, family Court, Dimapur.

From a perusal of the materials on record it reveals that the petitioner and respondent are wife and husband respectively, who lived together from January 2014 till November 2015 when allegedly, the respondent deserted the petitioner. Out of the wedlock, a girl child was born and at the time of filing of the petition, the girl child was aged 7 (seven) years.

There are various allegations being made in the petition about the conduct of the respondent, which this Court would not like to deal with, taking into account that the same may affect either of the parties in the said proceedings. Be that as it may, the respondent herein had filed a proceeding for seeking divorce before the Court of the Principal Judge, Family Court, Mokokchung registered as Divorce Case No. 01/2022.

The petitioner, who is a lady and has a child has expressed great difficulty in appearing before the Family Court at Mokokchung on each and every date taking into account that it is a mandate of Section 13 of the Family Courts Act of 1984 that the parties are to be represented by themselves. Under such circumstances, the petitioner has moved the instant application seeking transfer of the said Divorce Case No. 01/2022, pending before the Court of the Principal Judge, Family Court, Mokokchung to the Court of the Principal Judge, Family Court, Dimapur.

I have heard the learned counsels for the parties at length.

This Court, after taking into account, the materials on record

as well as the contentions and the difficulty which is being faced by the petitioner, is of the opinion that this is a fit case for transferring the Divorce Case No. 01/2022 pending before the Court of the Principal Judge, Family Court, Mokokchung to the Court of the Principal Judge, family Court, Dimapur.

Accordingly, this Court, therefore, in exercise of the powers under Section 24 of the Court, transfers the Divorce Case No. 01/2022 pending in the Court of the Principal Judge, Family Court, Mokokchung to the Court of the Principal Judge, Family Court, Dimapur.

The Principal Judge, Family Court, Mokokchung is directed to forthwith transmit the records of the Divorce Case No. 01/2022 pending before it, to the Court of the Principal Judge, Family Court, Dimapur, upon receipt of a copy of the instant order.

Taking into account that both the parties are represented, this Court fixes the matter before the Court of the Principal Judge, Family Court, Dimapur on 05.02.2023, on which date, both the parties shall duly appear before the Principal Judge, Family Court, Dimapur.

The Registry shall ensure that the Principal Judge, Family Court, Mokokchung transfers the case records of the Divorce Case No. 01/2022 to the Court of the Principal Judge, Family Court, Dimapur on or before 01.02.2024 so that the matter can be taken up by the Principal Judge, Family Court, Dimapur on the next date as so fixed hereinabove.

Sd/-

JUDGE

Comparing Assistant