

GAHC010013512023



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

Case No. : Tr.P.(C)./6/2023

JYOTI SEN
W/O- SRI SUBRATA PAUL, D/O LATE SANATAN SEN, PRESENT R/O-
MISSION PARA, WARD NO. 15, P.O, P.S AND DIST- TINSUKIA, ASSAM, PIN-
786125

VERSUS

SUBRATA PAUL
S/O- SRI BASUDEV PAUL, R/O- LACHIT NAGAR, WARD NO. 11, SIVASAGAR
TOWN, P.S, DIST- SIVASGAR, ASSAM, PIN- 785640

Advocate for the Petitioner : MR. SAILENDRA DEKA

Advocate for the Respondent : MR P KATAKI

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

10-06-2024

Heard Shri S. Deka, learned counsel for the petitioner, who has filed this petition under Section 24 read with section 151 of the Code of Civil Procedure, 1908 praying for transfer of Title Suit (Matrimonial) No. 118/2022 from the learned Court of the District Judge, Sivsagar to the appropriate Court in the

District of Tinsukia.

The learned counsel has submitted that the said proceeding is for dissolution of the marriage instituted by the second party husband. It is submitted that the petitioner does not have any income of her own and has a son of about 2 years. It is also contended that there is none to accompanying the petitioner from Tinsukia to Sivasagar which is about 120 Kms. away. Finally, it is submitted that the petitioner has already instituted a proceeding under the Domestic Violence Act at Tinsukia which the respondent is contesting.

Ms. R. Begum, learned counsel for the respondent has however submitted that in spite of her best efforts, no instructions would be received. She however opposes the prayer for transfer.

It is not in dispute that the learned District Judge, Tinsukia would have jurisdiction to try the suit. The grounds cited in support of the transfer namely the petitioner having a minor son of about 2 years and the factor of distance from Tinsukia to Sivasagar are also a relevant considerations.

Under the aforesaid circumstances, the instant petition is allowed and the aforesaid Title Suit (Matrimonial) No. 118/2022 pending before the learned District Judge, Sivasagar is accordingly transferred to the Court of the learned District Judge, Tinsukia.

The interim order accordingly stands merged with the final order.

The parties, who are represented in this Court are accordingly directed to appear before the learned District Judge, Tinsukia on 27.06.2024 along with the certified copy of the order whereafter the learned District Judge, Tinsukia will take charge of the proceedings and proceed in accordance with law.

In the meantime, records of the case are to be transferred from the Court of the learned District Judge, Sivasagar to the Court of the learned District Judge,

Tinsukia.

Petition accordingly stands disposed of.

JUDGE

Comparing Assistant