

GAHC010041752024



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

Case No. : Tr.P.(C)./21/2024

SUCHITRA BAUL

W/O- SRI SAMAR KANTI BAUL, D/O- BIBHUTI BHUSAN DUTTA,
PRESENTLY RESIDING AT C/O- SRI BIMAL MAZUMDER, R/O- TARAPUR,
SILCHAR/KARIMGANJ ROAD, P.O.TARAPUR, P.S. SILCHAR, DIST. CACHAR,
ASSAM, PIN- 788003.

VERSUS

SAMAR KANTI BAUL

S/O- LATE NIRANJAN BAUL, PERMANENT RESIDENT OF BADARPUR
TOWN, SALABARI, P.O. AND P.S. BADARPUR, DIST. KARIMGANJ, ASSAM,
PIN- 788806, PRESENTLY RESIDING AT 31ST FLOOR, UNIT-E, ALMAS
TOWER, JLT, DUBAI, UAE.

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent :

Linked Case : Tr.P.(C)./4/2024

SAMAR KANTI BAUL
S/O LATE NIRANJAN BAUL
A P/R/O SALABARI
BADARPUR TOWN
P.O. AND P.S.-BADARPUR
PIN-788806

DIST-KARIMGANJ
ASSAM
P/R/A 31ST FLOOR
UNIT-E
ALMAS TOWER
JLT
DUBAI
UAE

VERSUS

SMT. SUCHITRA BAUL
W/O SRI SAMAR KANTI BAUL
D/O BIBHUTI BHUSAN DUTTA
C/O SRI BIMAL MAZUMDER
TARAPUR
SILCHAR/KARIMGANJ ROAD
P.O.-TARAPUR
P.S.-SILCHAR
PIN-78803
DIST-CACHAR
ASSAM

Advocate for : MR. S D PURKAYASTHA
Advocate for : MR A HAI appearing for SMT. SUCHITRA BAUL

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

06.03.2024

Heard Mr. SD Purkayastha, the learned counsel appearing on behalf of the petitioner in Tr.P(C)No.4/2024 and Mr. KA Mazumdar, the learned counsel for the petitioner in Tr.P(C)No.21/2024.

2. Both the transfer petitions being Tr.P(C)No.21/2024 and Tr.P(C)No.4/2024 are taken up together for disposal by this common order taking into account that both the proceedings are inter-connected between the husband and the wife.

3. The petitioner in Tr.P(C)No.4/2024 is the husband, who has sought the transfer of FC(Civil)Case No.313/2023 pending in the Court of the learned Principal Judge, Family Court Cachar, Silchar to the Court of the learned District Judge, Karimganj. The petitioner in Tr.P(C)No.21/2024, who is the wife has sought for transfer of Title Suit (Divorce) No.154/2022 instituted by the husband from the Court of the learned District Judge Karimganj to the Principal Judge, Family Court, Cachar, Silchar. It is an admitted fact that the husband i.e. Sri Samar Kanti Baul, presently resides at Dubai, UAE. However, his wife i.e. Smti Suchitra Baul resides at Silchar. Taking into account the convenience of both the parties and also upon hearing the learned counsel for the parties, this Court is of the opinion that the question of transferring the FC(Civil)Case No.313/2023 pending in the Court of the learned Principal Judge, Family Court Cachar at Silchar to any other court does not arise. However, this Court also takes note of that in Tr.P(C)No.4/2024 there was also an alternative prayer for transfer of the proceeding being Title Suit (Divorce) No.154/2022 filed by the husband to the Court of the learned Principal Judge, Family Court Cachar at Silchar which is also the prayer in Tr.P(C)No.21/2024. In that view of the matter, this Court allows the Tr.P(C)No.21/2024 as well as also the alternative prayer in Tr.P(C)No.4/2024 thereby transferring the Title Suit (Divorce) No.154/2022 pending before the Court of the learned District Judge, Karimganj to the Court of the learned Principal Judge, Cachar, at Silchar.

4. The learned District Judge, Karimganj is hereby directed to forthwith upon receipt of a copy of this instant order to transfer the case records of Title Suit (Divorce) No.154/2022 to the Court of the learned Principal Judge, Family Court Cachar, Silchar.

5. The Registry is further directed to also intimate the Court of the learned District Judge, Karimganj as well as the learned Principal Judge, Family Court, Cachar at Silchar about the instant order.

6. Both the parties are directed to appear before the Court of the learned Principal Judge Family Court Cachar at Silchar on 08.04.2024 so that both the proceedings i.e. Title Suit (Divorce) No.154/2022 as well as FC(Civil) No.313/2023 can be proceeded with by the learned Principal Judge Family Court, Cachar at Silchar in accordance with law.

7. Both the transfer petitions stand disposed of.

JUDGE

Comparing Assistant