

GAHC010066722023



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

Case No. : Tr.P.(C)./30/2023

SMTI. DULUMONI DAS
W/O SRI MUNIN DAS, D/O SRI SARAT DAS, VILL- BARNIBARI
(MANDIRSUPA), P.O.-BARNIBARI, P.S.-MUKALMUA, DIST-NALBARI,
ASSAM

VERSUS

MUNIN DAS
S/O SRI TARUN DAS, VILL-JAPORIGOG KRISHNANAGAR, NEAR RAM
MANDIR, P.S.-DISPUR, GUWAHATI, PIN-781005, DIST-KAMRUP (M), ASSAM

For the appellant(s) : Mr. S. N. Krishnatraya, Advocate

For the respondent (s) : None appears

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

27.03.2024

Heard Mr. S. N. Krishnatraya, the learned counsel for the petitioner.
None has entered appearance on behalf of the respondent.

2. Service upon the respondent is complete.

3. This is an application under Section 24 of the Code of Civil Procedure, 1908 (for short, the Code) for transfer of F.C.(Civil) Case No.140/2023 pending in the Court of the learned Principal Judge, Family Court No.III, Kamrup (M) at Guwahati to the Court of the learned Principal Judge, Family Court at Nalbari.

4. The case of the petitioner is that the petitioner got married to the respondent on 02.02.2021 at her residence at Barnibari (Mandirsupa), Nalbari and out of their wedlock, a male child was born to them on 14.02.2022. It is alleged that after her marriage, she was tortured and driven out by her husband and her in-laws from her matrimonial home situated at Japorigog, Krishnanagar, near Ram Mandir, Guwahati, Assam. It is the further case of the petitioner that although the father of the petitioner along with some other relatives and village persons took the petitioner and her son to the respondent's house but the respondent and his family members did not allow them to enter her matrimonial house. Thereafter, the petitioner asked the respondent to return her "Stri-dhan" but the respondent refused to return the same and as such she filed a Complaint Case being Complaint Case No. 248/2022 and partly recovered her 'Stri-dhan', and the said case is still pending for its adjudication before the Court of the Sub-Divisional Judicial Magistrate, Nalbari. After receiving the notice of the Complaint Case No. 248/2022 from the Court of Sub-Divisional Judicial Magistrate, Nalbari, the respondent/husband has filed a petition under Section 13(1) (i-a) of the Hindu Marriage Act, 1955 praying for decree of divorce against his wife, i.e., the petitioner in the Court of Principal Judge No.III, Family Court, Kamrup at Guwahati and the same is registered and numbered as F. C. (Civil) Case No. 140/2023 which is fixed

on 18.05.2023 for filing written statement by the petitioner. The petitioner after receipt of the summons had filed the instant proceeding seeking transfer of the F. C. (Civil) Case No. 140/2023 from the Court of Principal Judge, Family Court No.III, Kamrup at Guwahati to the Court of the Principal Judge, Family Court at Nalbari.

5. I have heard the learned counsel for the petitioner. Taking into consideration that the petitioner has expressed difficulties in her participation in the proceedings at Guwahati on the grounds stated in her petition, this Court is of the opinion that the petitioner's prayer for transfer of the proceedings from the Court of the learned Principal Judge, Family Court No.III, Kamrup (M) at Guwahati to the Court of the learned Principal Judge, Family Court at Nalbari should be allowed. Accordingly, the proceedings in F.C.(Civil) Case No.140/2023 is transferred from the Court of the learned Principal Judge, Family Court No.III, Kamrup (M) at Guwahati to the Court of the learned Principal Judge, Family Court at Nalbari.

6. The Court of the Principal Judge, Family Court No.III, Kamrup (M) at Guwahati is directed to forthwith transfer the records to the Court of the Principal Judge, Family Court at Nalbari.

7. With the above observations the instant petition stands allowed and disposed of.

8. The parties shall appear before the Court of the Principal Judge, Family Court at Nalbari on 06.05.2024 and on which date the petitioner shall file her written statement without fail.

9. The Registry is directed to intimate both the Courts below about this

order.

10. The interim order passed earlier on 03.05.2023 stands vacated.

JUDGE

Comparing Assistant