

GAHC010069462024



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

Case No. : Tr.P.(C)./33/2024

RITA BASFOR
W/O- SRI KRISHNA BASFOR, D/O-SRI RAJENDRA BASFOR, R/O- RAM
KRISHNA PATH, HARIJAN COLONY, WARD NO. 11, P.O.AND DIST, NAGAON,
ASSAM, PIN- 782002.

VERSUS

KRISHNA BASFOR
S/O- NAGINA BASFOR, R/O- VILL.- CHANDRAPUR,SUTAR MILL POWER
HOUSE, ELECTRICITY BOARD NEAR GOBARDHAN, BRIDGE,
DIST.KAMRUP(M), ASSAM, PIN- 781150.

For the petitioner (s) : Ms. P. Das, Advocate

For the respondent (s) : Mr. A. Hawari, Advocate

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

13.05.2024

This is an application filed under Section 24 of the Code of Civil Procedure, 1908 for transfer of F.C.(Civil) No.612/2022 pending in the Court of the learned Principal Judge, Family Court, Kamrup (M) at

Guwahati to the Court of the learned District Judge, Nagaon.

2. Ms. P. Das, the learned counsel appears on behalf of the petitioner. Mr. A. Hawari, the learned counsel appears on behalf of the respondent.

3. The case of the petitioner herein is that the marriage between the petitioner and the respondent was solemnized on 06.05.2019 at Guwahati. Thereafter, the petitioner resided together with the respondent at his house at Chandrapur, Sutar Mill Power House, Electricity Board near Gobardhan Bridge. Out of their wedlock, a girl child was born to them on 29.05.2020. The petitioner alleged that she suffered severe domestic violence at her matrimonial house as a result of which she left her matrimonial house and returned back to her paternal house at Nagaon along with her minor daughter on 22.04.2020. Since then, she has been residing along with her daughter at her parental house. It was the case of the petitioner that the petitioner had also instituted a case against her husband for committing domestic violence against her before the learned Sub-Divisional Judicial Magistrate, Nagaon. The said domestic violence case was registered as CR (DV) Case No.163/2021. The respondent participated in the said case and the learned Sub-Divisional Judicial Magistrate, Nagaon, vide an order dated 03.07.2018, granted interim maintenance to the petitioner to the tune of Rs10,000/- per month for maintenance of the petitioner and her daughter and Rs.2,000/- as a cost for prosecuting the case. Thereupon, the petitioner as well as the respondent has been living separately. The F.C.(Civil) Case No.612/2022 was filed by the respondent praying for restitution of marriage before the Principal Judge, Family Court, Kamrup (M) at Guwahati

4. It is stated by the petitioner that she has no source of income and

being a mother of a girl child it is not possible to come to the Principal Judge, Family Court, Kamrup (M) at Guwahati on every next date given by the Court.

5. This Court has heard the learned counsels for both the parties and finds that it a fit case for exercising powers under Section 24 of the Code of Civil Procedure, 1908 for transfer of the proceedings being F.C.(Civil) No.612/2022 from the Court of the learned Principal Judge, Family Court, Kamrup (M) at Guwahati to the Court of the learned District Judge, Nagaon.

6. Taking into account that both the parties are represented in the instant proceedings, the parties are directed to appear before the Court of the District Judge, Nagaon on 01.07.2024. On that date, the petitioner herein is given the liberty to file her written statement.

7. The Court of the learned Principal Judge, Family Court, Kamrup (M) at Guwahati is directed to forthwith transfer the records to the Court of the learned District Judge, Nagaon.

8. The Registry is further directed to intimate the Court of the Principal Judge, Family Court, Kamrup (M) at Guwahati as well as the learned District Judge, Nagaon about the instant order.

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

JUDGE

Comparing Assistant