

GAHC010081162024



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

Case No. : Tr.P.(C)./36/2024

AZMIRA BEGUM
W/O- RAFIKUL ISLAM,
D/O- LATE ASAN ULLAH MANDAL,
RESIDENT OF MILAN NAGAR, SHANTIPUR,
BORO PAHAR,
P.O.- BHALUKDUBI, P.S.- GOALPARA,
DIST.- GOALPARA, ASSAM.
PRESENTLY RESIDING AT GUWAHATI.
AZMIRA BEGUM,
D/O- LATE ASAN ULLAH MANDAL,
W/O- RAFIKUL ISLAM,
RESIDENT OF BARBARI, PUBERUN PATH,
HOUSE NO. 1, P.O.- HENGRABARI,
DIST.- KAMRUP(M), GHY- 36.

VERSUS

RAFIKUL ISLAM
S/O- AMAN ULLAH MANDAL,
RESIDENT OF NARABARI, KOKRAJHAR TOWN,
WARD NO. 10, P.S.- KOKRAJHAR,
P.O.- KOKRAJHAR, DIST.- KOKRAJHAR, BTR (ASSAM).

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, DR. R HOQUE, MR H A AHMED

Advocate for the Respondent : MR. A M AHMED, P. GHOSH

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 16.08.2024

Heard Dr. R. Hoque, learned counsel for the petitioner and Mr. A.M. Ahmed, learned counsel for the respondent.

2. This application under Section 24 of the Code of Civil Procedure, 1908 is preferred by the petitioner, namely, Azmira Begum for transferring T.S.(D) Case No. 5/2023, pending before the Court of learned Civil Judge (Junior Division), Kokrajhar to the Court of learned Principal Judge, Family Court, Kamrup at Guwahati.

3. Dr. Hoque, learned counsel for the petitioner submits that the respondent, namely, Rafikul Islam has instituted T.S. (D) No. 5/2023 before the Court of learned Civil Judge (Junior Division), Kokrajhar and in the said case, the petitioner herein has entered appearance and filed her written statement. It is further submitted that the petitioner is presently staying at Guwahati and working as a part time music teacher, and that on account of her profession, it is difficult for her to attend Court at Kokrajhar and as such, it is contended that the case may be transferred from the Court of learned Civil Judge (Junior Division), Kokrajhar to the Court of learned Principal Judge, Family Court, Kamrup at Guwahati.

4. On the other hand, Dr. Hoque, learned counsel for the respondent submits that the petitioner is residing in a rented house at Guwahati, but in fact, her native place is at Goalpara and her parents are living there and as such, he has no objection if the case is transferred from the Court of learned Civil Judge (Junior Division), Kokrajhar to the Court of learned District Judge, Goalpara

instead of the Court of learned Principal Judge, Family Court, Kamrup at Guwahati.

5. At this stage, the learned counsel for the petitioner submits that two more cases are pending between the same parties at Guwahati and as such, it would be convenient for the petitioner if the case is transferred to Guwahati.

6. Further, the learned counsel for the respondent submits that he will file transfer petition for transferring those cases from Guwahati to Goalpara.

7. The learned counsel for the petitioner, at this stage, submits that the petitioner will have no objection in the event of transferring the case from Kokrajhar to Goalpara also.

8. In view of the above and keeping in mind the balance of convenience of both the parties, and as agreed by learned Advocates of both sides, T.S.(D) Case No. 5/2023, stands transferred from the Court of learned Civil Judge (Junior Division), Kokrajhar to the Court of learned District Judge, Goalpara.

7. In terms of above, this transfer petition stands disposed of.

8. The parties have to bear their own cost.

JUDGE

Comparing Assistant