

GAHC010112202022



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

Case No. : Tr.P.(C)./60/2022

SWAPNA BHATTACHARJEE
W/O- KANCHAN CHOUDHURY, R/O- BORAF KOL GALI, HOSPITAL ROAD,
P.O. SILCHAR-788001, DIST. CACHAR, ASSAM

VERSUS

KANCHAN CHOUDHURY
S/O- KRIPAMOY CHOUDHURY, NUTONPARA, WARD NO. 6, HAILAKANDI
TOWN, P.O. AND DIST. HAILAKANDI, ASSAM

Advocate for the Petitioner : MR B SINHA,

Advocate for the Respondent : MR. S K GHOSH, MS F AHMED

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 31.07.2024

Heard Mr. B. Sinha, learned counsel for the petitioner. Also heard Mr. S.K. Ghosh, learned counsel appears on behalf of the sole respondent.

This is an application under Section 24 of the Code of Civil Procedure praying for transfer of a Divorce Case pending in the Court of District Judge, Hailakandi to the Court of Principal Judge, Family Court, Silchar, Chachar, Assam.

The petitioner claims that she is 65 years old and presently she has been residing at Silchar and it is difficult for her to travel to Hailakandi on every date of hearing of the case.

The respondent submits that he is 70 years old person and therefore it would not be possible for him to go to Silchar on every date of the case.

Mr. Ghosh, learned counsel for the petitioner submits that the opposite party is ready to bear all the litigation expenses including the fees of the advocate representing his wife in the Divorce Case proceeding before the Court at Hailakandi.

Mr. Ghosh further submits that the distance between Hailakandi and Silchar is only 35 k.m.

I have considered the submissions made by the learned counsel for both the sides, this Court is of the opinion that the submission of Mr. Ghosh has force in it therefore, the opposite party/Husband is directed to bear all the expenses, which his estranged wife might incurred in the litigation.

The said expenses litigation would also include the advocate fees payable by his wife.

Therefore transfer is not considered and with the aforesaid direction the transfer petition stands disposed of.

Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant