

GAHC010122052024



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

Case No. : Tr.P.(C)./51/2024

HRISHIKESH DEY

S/O- LATE RAMA RANJAN DEY, R/O- VILL.- SHANTIPUR, RABINDRA
SARANI PATH, WARD NO. 05, P.O. CHARIALI, P.S. BISWANATH CHARIALI,
DIST. BISWANATH, ASSAM, PIN- 784176.

VERSUS

SHILPA DEBNATH

W/O- SRI HRISHIKESH DEY, D/O- LATE DIPAK DEBNATH, R/O- VILL.-
SUKHANJAN EKRANI BASTI, NEAR HANUMAN MANDIR, JYOTI NAGAR,
PIN- 782480, P.O. AND P.S. BOKAJAN, KARBI-ANGLONG, ASSAM, PIN-
782480.

Advocate for the Petitioner : MR GOPAL

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

27.06.2024.

Heard Shri Gopal, learned counsel for the petitioner, who has filed this petition under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of Title Suit (M) No.12/2023 from the Court of the learned District Judge, Karbi Anglong to the Court of the learned District Judge, Biswanath.

The aforesaid suit was instituted by the petitioner under Section 13 (1) (i-a) of the Hindu Marriage Act, 1955. Though certain grounds have been cited to justify such transfer, it transpires that the proceeding was initially instituted before the District Judge, Biswanath wherein the respondent had filed a Tr.P(C)/5/2023 in this Court. In the said transfer petition, the petitioner had made no-objection and the matter was accordingly transferred to the Court of the learned District Judge, Karbi Anglong.

Shri Gopal, learned counsel has submitted that the aforesaid no-objection was given under certain compelling circumstances.

Be that as it may, when this Court has exercised powers under Section 24 of the Code of Civil Procedure and has transferred the case in an earlier occasion in Tr.P(C)/5/2023, as would reveal from the pleadings in paragraph 14 of the petition, the party cannot file a second petition for transfer more so, when the order in the first case appears to have been passed *inter parte* and on the basis of no-objection of the petitioner.

It is also admitted that till now, the earlier order passed by this Court in Tr.P(C)/5/2023 has not been put to any further challenge or any review filed.

In view of the above, the instant petition is held to be not maintainable and accordingly, the same is dismissed.

JUDGE

Comparing Assistant