

GAHC010131522023



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

Case No. : Tr.P.(C)./52/2023

SMTI. RINKI SINGH
W/O SRI BIKASH KUMAR SINGH, D/O SRI LAKSHMAN SINGH, R/O VILL-
CHATAI CHAPARI, P.O.-TEZPUR, P.S.-TEZPUR, DIST- SONITPUR, ASSAM,
PIN-784001

VERSUS

BIKASH KUMAR SINGH
S/O LATE UPENDRA SINGH, R/O WARD NO. 1, TANGLA TOWN, JALUKBARI
(PANITANKI), P.O.-TANGLA, P.S.-TANGLA, DIST-UDALGURI, ASSAM, PIN-
784521

Advocate for the Petitioner : MR. P SAIKIA (LEGAL AID COUNSEL)

Advocate for the Respondent : R L CHUTIA

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

22.03.2024

This is an application under Section 24 of the Code of Civil Procedure, 1908

(for short, the Code) for transfer of Title Suit (Divorce) No.20/2022 pending in the Court of the learned District Judge, Udalguri to the Court of the learned District Judge, Sonitpur at Tezpur.

2. The case of the petitioner is that the petitioner and the respondent are both husband and wife and their marriage was solemnized on 15.06.2022 at Tezpur. It is also submitted that after marriage, both the petitioner and the respondent resided together at Udalguri. Later on, due to certain matrimonial disputes, the petitioner left her matrimonial home at Udalguri and started living with her parents at Tezpur.

3. From a perusal of the averments, it has been categorically mentioned that the marriage was solemnized at Tezpur. The petitioner presently resides at Tezpur in her parental house and at the time when the application for judicial separation by the respondent herein was presented, the petitioner also resided at Tezpur. In addition to that, this Court finds it relevant to take note of that the petitioner is a lady and has expressed fear and medical inconvenience for travelling to Udalguri. This Court also finds it pertinent to mention here that the respondent has no objection on the Title Suit (Divorce) No.20/2022 being transferred to the Court of the learned District Judge, Sonitpur at Tezpur.

4. Under such circumstances, this Court transfers the Title Suit (Divorce) No.20/2022 from the Court of the learned District Judge, Udalguri to the Court of the learned District Judge, Sonitpur at Tezpur.

5. The learned District Judge, Udalguri is hereby directed to forthwith upon receipt of a copy of this instant order to transfer the case records of Title Suit (Divorce) No.20/2022 to the Court of the learned District Judge, Sonitpur at Tezpur.
6. The Registry is further directed to also intimate the Court of the learned District Judge, Udalguri as well as the learned District Judge, Sonitpur at Tezpur about the instant order.
7. Taking into account that both the parties are duly represented and also that the respondent has no objection on the Title Suit being transferred to the Court of the learned District Judge, Sonitpur at Tezpur, this Court fixes the matter for appearance of both the parties before the learned District Judge, Sonitpur at Tezpur on 13.05.2024. The learned District Judge, Sonitpur at Tezpur shall thereupon proceed with the disposal of the said proceedings in accordance with law.
8. With the above, the transfer petition stands disposed of.
9. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant