

GAHC010145022024



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

**Case No. : Tr.P.(C)./58/2024**

SUMI BORAH SAIKIA  
W/O- NIPEN SAIKIA, R/O- VILL.- TINGALIBARI, P.O. SIMALUGURI, PS.  
GOHPUR, DIST. BISWANATH, ASSAM, PIN- 784168.

VERSUS

NIPEN SAIKIA  
S/O- SRI PUTUL SAIKIA, TEMPORARILY RESIDING IN UDALGURI POLICE  
RESERVE, 15TH PLATOON OF 12 A.P.B.N., DIST. UDALGURI, PIN- 784509  
AND PERMANENT RESIDENT OF VILL.- TINGALIBORI, P.O. SIMALUGURI,  
P.S. GOHPUR, DIST. BISWANATH, ASSAM, PIN- 784168.

**Advocate for the Petitioner** : MR P NEOG,

**Advocate for the Respondent** : MR P BHARDWAJ, MS D KALITA

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 07.11.2024**

Heard Mr. P. Neog, learned counsel for the petitioner and Ms. D. Kalita, learned counsel for the respondent.

2. This petition, under Section 24 of the CPC, is preferred by the petitioner

for transferring Title Suit (D) No. 02/2023, pending before the Court of learned District Judge, Udalguri to the Court of learned District Judge, Biswanath.

3. Mr. Neog, learned counsel for the petitioner submits that the petitioner and the respondent are husband and wife and their marriage was solemnized at Biswanath Chariali in the year 2007 and thereafter, they lived together as husband and wife at Biswanath Chariali. Thereafter, marital discord surfaced between the parties and then, the respondent herein had instituted a title suit, being Title Suit (D) No. 02/2023, before the Court of learned District Judge, Udalguri for dissolution of their marriage. Mr. Neog further submits that the petitioner is residing at Biswanath and it is not possible on her part to contest the aforesaid proceeding at Udalguri and that another proceeding under Section 125 of the CrPC, being M.R. No. 27/2023, is also pending between the parties in the Court of learned Sub-Divisional Judicial Magistrate (M), Gohpur and that in the said proceeding, the respondent herein has entered appearance and contesting the same and the same is pending at the stage of evidence and as such, no inconvenience would be caused to the respondent herein if the aforesaid divorce proceeding is transferred to the Court of learned District Judge, Biswanath. And therefore, Mr. Neog has contended to allow this petition.

4. Ms. Kalita, learned counsel for the respondent, on the other hand, submits that though the respondent had submitted written objection, yet subsequently, the same was withdrawn and that the respondent has no objection in the event of transferring the Title Suit (D) No. 02/2023 from the Court of learned District Judge, Udalguri to the Court of learned District Judge, Biswanath.

5. In view of the submissions made by the learned Advocates of both sides and as agreed upon, and also considering the balance of convenience of both the parties, this Court is inclined to allow this petition.

6. Accordingly, Title Suit (D) No. 02/2023, pending before the Court of learned District Judge, Udalguri stands transferred to the Court of learned District Judge, Biswanath.
7. The petitioner shall obtain a certified copy of this order and place the same before the Court of learned District Judge, Udalguri and on receipt of the same, the learned District Judge, Udalguri shall transmit the case file of Title Suit (D) No. 02/2023, to the Court of learned District Judge, Biswanath.
8. In terms of above, this transfer petition stands disposed of.

**JUDGE**

**Comparing Assistant**