

GAHC010146172023



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

Case No. : Tr.P.(C)./56/2023

CHANDRAMITA GHOSH
W/O- HARIDAS GHOSH, D/O- SHRI CHAPAN GHOSH, RESIDENTS OF-
VILLAGE- BORJAR, P.O. BORJAR BAZAR, P.S. DALGAON, DIST.- DARANG,
ASSAM, PIN- 784114

VERSUS

HARIDAS GHOSH
S/O- LATE HIMANGSHU GHOSH, PERMANENT RESIDENT OF- VILLAGE-
BALOGARA, GHOSH PATTY, P.S. DHULA, DISTRICT- DARRANG, ASSAM,
PIN- 784146, AND A TEMPORARY RESIDENT OF B.B. ROAD,
FOUZDARIPATTY, NAGAON TOWN, NAGAON, ASSAM, PIN- 782001

Advocate for the Petitioner : MR. S DUTTA

Advocate for the Respondent : DR G J SHARMA (AS LEGAL-AID-COUNSEL FOR R-1)

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

15.03.2024

This is an application under Section 24 read with Section 151 of the Civil Procedure Code, 1908 (for short, the Code) for transfer of MAT(D)Case No.26/2023 pending in the Court of the learned District Judge, Nagaon to any Court in the district of Darrang.

2. The case of the petitioner is that the petitioner and the respondent are both husband and wife and on account of certain matrimonial dispute, the petitioner left her matrimonial home and presently residing in her paternal home. It is relevant to take note of that both the petitioner and the respondent are permanent residents within the district of Darrang. The respondent is temporarily residing at Nagaon. The learned counsel appearing on behalf of the respondent does not deny to that aspect.

3. This Court also finds it relevant to take note of that there are two other proceedings presently pending between the parties within the jurisdiction of the learned Chief Judicial Magistrate Darrang being Misc. (DV) Case No.197/2021 as well as Complaint Case No.97/2023. This Court has further taken note of that in terms of Section 19 of the Hindu Marriage Act, 1955, the divorce proceeding ought to have been filed at Darrang.

4. Under such circumstance, this Court transfers the MAT(D) Case No.26/2023 from the Court of the learned District Judge, Nagaon to the Court of the learned District Judge, Darrang.

5. The learned District Judge, Nagaon is hereby directed to forthwith upon receipt of a copy of this instant order to transfer the case records of MAT(D)Case No.26/2023 to the Court of the learned District Judge, Darrang.

6. The Registry is further directed to intimate the Court of the learned District Judge, Nagaon as well as the learned District Judge, Darrang about the instant order.

7. Taking into account that both the parties are duly represented and the petitioner herein has not yet filed the written statement, the petitioner shall file her written statement on the next date fixed in the Court of the learned District Judge Darrang. Accordingly, this Court fixes the matter for appearance of both the parties before the learned District Judge Darrang on 22.04.2024. The learned District Judge, Darrang shall thereupon proceed with the disposal of the said proceedings in accordance with law.

8. With the above, the transfer petition stands allowed.

9. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant