

GAHC010182512023



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

Case No. : Tr.P.(C)./76/2023

SANTI DEVI SARMAH
W/O- TARUN KUMAR CHETRY,
PERMANENT RESIDENT OF VILL- LAKIA,
P.O. AND P.S.- JAGUN, PIN- 786188,
DISTRICT- TINSUKIA, ASSAM.
PRESENT RESIDENT OF HOUSE NO. 7, NILAKANTHA PATH,
GANESH NAGAR, BASISTHA,
P.S.- BASISTHA CHARIALI,
DISTRICT- KAMRUP(M), ASSAM.

VERSUS

TARUN KUMAR CHETRY
RESIDENT OF VILL- ARIBHANGA,
NEAR SHIV MANDIR,
P.O. AND P.S.- HELEM, PIN- 7841789,
DIST.- BISWANATH, ASSAM.

Advocate for the Petitioner : MR S SARMAH

Advocate for the Respondent : MR. B BARUAH

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

18.03.2024

This is an application under Section 24 read with Section 151 of the Civil Procedure Code, 1908 (for short, the Code) for transfer of Title Suit (D)Case No.11/2023 pending in the Court of the learned District and Session Judge, Biswanath Chariali, Biswanath to the Family Court, Kamrup (M) at Guwahati.

2. The case of the petitioner is that the petitioner and the respondent are both husband and wife and on account of certain matrimonial disputes, the petitioner left her matrimonial home and started living with her brother at Guwahati and is presently residing in a separate rented house with her daughter, who is 11 years old and studying at Guwahati.

3. This Court also finds it relevant to take note of that there is another proceeding pending between the parties within the jurisdiction of the learned Principal Judge, Family Court at Guwahati being Misc. FC (Criminal) No.249/2018.

4. Under such circumstances, this Court transfers the Title Suit (D)Case No.11/2023 from the Court of the learned District and Session Judge, Biswanath Chariali, Biswanath to the Principal Judge, Family Court, Kamrup (M) at Guwahati.

5. The learned District and Session Judge, Biswanath Chariali, Biswanath is

hereby directed to forthwith upon receipt of a copy of this instant order to transfer the case records of Title Suit (D)Case No.11/2023 to the Court of the learned Principal Judge, Family Court, Kamrup (M) at Guwahati.

6. The Registry is further directed to intimate the Court of the learned District and Session Judge, Biswanath Chariali, Biswanath as well as the Court of the learned Principal Judge, Family Court, Kamrup (M) at Guwahati 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 Principal Judge, Family Court, Kamrup (M) at Guwahati. Accordingly, this Court fixes the matter for appearance of both the parties before the learned Principal Judge, Family Court, Kamrup (M) at Guwahati on 29.04.2024. The learned Principal Judge, Family Court, Kamrup (M) at Guwahati 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