

GAHC010195822023



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

Case No. : Tr.P.(C)/83/2023

PALLABI CHOUDHURY
W/O- SRI PUBAYAN ROY, D/O- SRI PRANAB KANTI CHOUDHURY, R/O-
LALACHERRA TEA ESTATE, P.O. VERNERPUR, P.S. LALA, DIST.
HAILAKANDI, ASSAM

VERSUS

PUBAYAN ROY
S/O- SRI PINAK ROY, R/O- PALLYSHRI LANE, TARAPUR, P.O. TARAPUR, P.S.
SILCHAR SADAR, DIST. CACHAR, ASSAM, PIN- 788003.

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : MR B ACHARYYA

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

01.04.2024

This is an application under Section 24 read with Section 151 of the Civil Procedure Code, 1908 (for short, the Code) for transfer of FC (Civil)

No.224/2023 pending in the Court of the learned Principal Judge, Family Court, Cachar, Silchar to the Court of the learned District Judge, Hailakandi.

2. The case of the petitioner is that the petitioner and the respondent are both husband and wife and their marriage was solemnized on 30.04.2021 at Hailakandi. It is also submitted that after marriage, both the petitioner and the respondent resided together at Cachar. Later on, due to certain matrimonial disputes, the petitioner left her matrimonial home at Cachar and started living with her parents at Hailakandi.

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 Hailakandi being C.R. Case No.351/2022 as well as M.R. Case No.52/2022.

4. Under such circumstance, this Court transfers the FC (Civil) No.224/2023 from the Court of the learned Principal Judge, Family Court, Cachar, Silchar to the Court of the learned District Judge, Hailakandi.

5. The learned Principal Judge, Family Court, Cachar, Silchar is hereby directed to forthwith upon receipt of a copy of this instant order to transfer the case records of FC (Civil) No.224/2023 to the Court of the learned District Judge, Hailakandi.

6. The Registry is further directed to intimate the Court of the learned

Principal Judge, Family Court, Cachar, Silchar as well as the learned District Judge, Hailakandi about the instant order.

7. Taking into account that both the parties are 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, Hailakandi. Accordingly, this Court fixes the matter for appearance of both the parties before the learned District Judge, Hailakandi on 20.05.2024. The learned District Judge, Hailakandi 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