GAHC010207632025

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

Case No. : Tr.P.(C)./63/2025

SMT. ASHA PATHAK
D/O LATE THIRENDRA NATH PATHAK, R/O VILL- CHENGA, P.O.- CHENGA, PIN-781305, P.S.- BARPETA, DIST- BARPETA, ASSAM

VERSUS

HARI ATULANANDA DAS
S/O LATE DWIPEN DAS, R/O VILL- SUALKUCHI, NEAR INSPECTION BUNGLOW, P.S.- SUALKUCHI, MOUZA- PUB- BONGSOR, DIST- KAMRUP, ASSAM

Advocate for the Petitioner : MR. R BORA, S BARBHUYAN,MR S NOWAJ

Advocate for the Respondent : MR A KHANIKAR,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : **28.07.2026**

Heard Mr. R Bora, the learned counsel appearing for the petitioner. Also heard Mr. A.Khanikar, the learned counsel appearing for the sole respondent.

2. This is an application under Section 24 of the Code of Civil Procedure, 1908 praying for transfer of F.C. (Civil) Case No.752/2025 pending in the Court of the learned Principal Judge, Family Court-II, Kamrup (M), Guwahati to the Court of the learned Principal Judge, Family Court, Barpeta.

3. The respondent filed the divorce proceeding before the Family Court-II, Kamrup (M),

Guwahati. The petitioner being his wife is a resident of Barpeta. She prays for transferring the case to Barpeta so that she can contest the case.

4. The petitioner has stated that in the District of Barpeta the respondent has been contesting two other cases filed by the present petitioner.

5. The respondent has objected to the prayer of transfer.

6. I have considered the submissions made by the learned counsel of both sides.

7. This Court is of the opinion that for a woman like the present petitioner, it is always difficult to travel from Barpeta to Guwahati to contest the divorce proceeding, whereas, the husband has been contesting the cases at Barpeta filed by the petitioner.

8. This Court is of the opinion that for proper disposal of the divorce proceeding, the petitioner's wife should be given adequate opportunities to contest the case.

9. Under the given circumstances, this Court is of the opinion that the case i.e. F.C. (Civil) Case No.752/2025, which is pending in the Court of the learned Principal Judge, Family Court-II, Kamrup (M), Guwahati should be transferred to the Court of the learned Principal Judge, Family Court, Barpeta for effective adjudication.

10. Therefore, the prayer of the petitioner is allowed.

11. It is hereby directed that the F.C. (Civil) Case No.752/2025, which is pending in the Court of the learned Principal Judge, Family Court-II, Kamrup (M), Guwahati shall be transferred to the Court of the learned Principal Judge, Family Court, Barpeta.

12. After receiving the records by the learned Principal Judge, Family Court, Barpeta, notice shall be issued to both sides asking them to appear before the said Court for further orders.

With the aforesaid direction, the Transfer Petition is disposed of.

JUDGE

Comparing Assistant