

Party Name : RITA DAS Vs SANKAR DAS

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

Heard learned counsel for the parties.

It is stated by Mr. S Bhattacharji learned counsel for the respondent that he wants to file reply to counter allegations made by the petitioner in her petition.

According to him, certain wrong allegations have been made in the petition. At this stage this Court is not going into the merits of the allegations between the parties. Whether it is the husband who is at fault or the wife who is at fault shall have to be decided by the Family Court on the basis of the evidence led before it. The only issue is whether the divorce petition being TS.(Divorce)42 of 2014 filed by the husband before the learned Judge, Family Court, Gomati District, Udaipur should be transferred to the file of the learned Judge, Family Court, West Tripura, Agartala or not.

The wife is, admittedly, living in Agartala. She had also filed a petition under Section 125 of Cr.P.C in Agartala. There is no point in having two different sets of litigation pending in two different Courts. The husband is stated to be a daily wage labourer. Even so, I feel that the proceedings may be transferred to the file of the learned Judge, Family Court, West Tripura, Agartala.

Accordingly the petition is allowed. The T.S(Divorce)42 of 2014 pending before the learned Judge, Family Court, Gomati District, Udaipur is transferred to the file of the learned Judge, Family Court, West Tripura, Agartala who shall hear it along with Misc Case No.431 of 2014 filed under Section 125 Cr.P.C.

Both the parties are directed to appear before the learned Judge, Family Court, West Tripura, Agartala on **1st September, 2015**. The parties may inform the Family Judge, who may also adjourn the maintenance petition under Section 125 Cr.P.C for 1st September, 2015.

Petition is disposed of.