GAHC010044242018

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

Case No. : Tr.P.(C)./11/2018

KANCHAN MALA DAS
W/O. SRI SHYAMAL CHANDRA DAS, P.O. AND P.S. HAFLONG, DIST. DIMA HASAO, ASSAM

VERSUS

SHYAMAL CHANDRA DAS
S/O. LT. RASARAJ DAS, VILL. GHAGRAPAR PT. I, P.O. SALCHAPARA, P.S. SILCHAR, DIST. CACHAR, ASSAM, PRESENTLY RESIDING AT HAFLONG GOVT. COLLEGE COMPUS DIST. DIMA HASAO.

Advocate for the Petitioner : MR. S K MEDHI

Advocate for the Respondent :

BEFORE
HONOURABLE MR JUSTICE SONGKHUPCHUNG SERTO

ORDER

Date : 01-12-2020

Heard Mr. A. Das, learned counsel for the petitioner.

This is a transfer case filed under section 24 of CPC praying for transferring of a divorce proceeding instituted by the respondent in the Court of Principal Judge, Family Court, Cachar to the Court of Family Court, Dima Hasao at Haflong. The respondent has failed to

appear in spite of the notice duly served to him. Therefore, the matter is taken up and heard.

From the petition and the submission of the learned counsel of the petitioner it appears that the petitioner herein and the respondent were married in the year 1990 and out of their marriage they already have two sons. It also appears that though the petitioner and the respondent originally belongs to Cachar district they have settled at Haflong because of the job of the respondent who has been working in the Haflong Government College as Laboratory Technician for the last more than 25 year. It also further appears that for some disharmony in their relationship the respondent went to Cachar and filed a Divorce Case No. FC(Civil) No. 21/2018. The petitioner being a poor woman and having no money to contest the case at Silchar, and still residing at Haflong has come before this Court praying for transfer of the said case to the Family Court at Haflong. The documents filed by the petitioner shows that the respondent is still working and staying in his official quarter at Haflong.

Taking all the above into consideration and the difficulties face by the petitioner in contesting the case at Silchar, this Court is of the view that it would be in the interest of justice and convivence of both the parties if the Court at Haflong try the case. Therefore, the petition is allowed and the Principal Judge, Family Court, Cachar at Silchar is directed to transfer the Divorce Case No. FC(Civil) No. 21/2018 to the Family Court at Haflong within 15 days from the date of receipt of a copy of this order. It is also directed that on received of the same, the District & Sessions Judge at Haflong, who is in-charge of the Family Court shall try the case as per law.

The petition is disposed.

JUDGE

Comparing Assistant