

09.04.2021

Sl. No. 02
Srimanta
Ct. No.-30
D/L

**IA No.: CAN/1/2020
in
CO/3709/2019
(Via Video Conference)**

In Re.: An application for clarification and/or modification of the solemn order dated February 27, 2020 passed by His Lordship the Hon'ble Justice Vivek Chaudhuri.

In the matter of : Smt. Susmita Mondal.

Mr. Rajib Roy, Adv.

...for the petitioner.

Mr. Gazi Faruque Hossain, Adv.

...for the opposite party.

This is an application for modification of an order passed by this Court on 27th February, 2020 in C. O. No. 3709 of 2019.

C. O. No. 3709 of 2019 was filed under Section 24 of the Code of Civil Procedure by the petitioner praying for transferring Matrimonial Suit No. 203 of 2019 pending before the Learned District Judge, Hooghly to the Court of the Learned District Judge, Paschim Burdwan at Asansol for trial and disposal.

This Court allowed the said application *ex parte* in the absence of the Learned Advocate or the opposite party.

The instant application is filed by the opposite party of the said revisional application stating, *inter alia*, that the opposite party did not get an opportunity of hearing and the revisional application transferring the matrimonial suit was

disposed of in his absence and accordingly, the applicant was prejudiced.

I have heard the Learned Advocates for the applicant and the opposite party. C. O. No. 3709 of 2019 was disposed of on 27th February, 2020. The said order was communicated to the Court below and in compliance of the said order the matrimonial suit was also transferred to the Court of the Learned District Judge, Asansol for trial.

Under such circumstances, I do not find any merit in the instant application and the application is **rejected**.

(Bibek Chaudhuri, J.)