

14
18.02.2020
Court No.3
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

C.O. 51 of 2019

**Mrs. Tumpa Paul
Vs.**

Mr. Surajit Majumder

Mr. Pritam Roy
Ms. Payel Nandi.....for petitioner

Mr. Bhaskar Roy Mahashaya... for respondent

Pursuant to the last order passed by this Court, the petitioner served a copy of the application along with the order of this Court upon the respondents and filed affidavit of service today in Court. The same be kept on record.

This is an application under Section 24 of the Code of Civil Procedure for transfer of a pending proceeding under Section 13 of the Hindu Marriage Act which is now pending at Malbazar Sub-Divisional Court.

The petitioner prays for transfer of this case for her extreme personal difficulty to attend the court on different dates from Naxal Bari to Malbazar Sub-divisional Court.

The respondent/husband who has filed the application under Section 13 of the Hindu Marriage Act vehemently opposes such prayer of transfer but considering the facts and circumstances of the case and considering the submission of the petitioner that the husband looks after his relative's business near his residence and that he owns a car and no prejudice will be caused to him if the case is transferred from Malbazar Sub-divisional Court to Siliguri Court, I direct transfer of the case.

To expedite the matter this order is required to be sent by the Registry to the concerned Malbazar Sub-divisional Court, who, in turn, will send the entire file to Siliguri Sub-divisional Court promptly.

The application being C.O. 51 of 2019 is allowed.

Urgent certified Photostat copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Abhijit Gangopadhyay,J.)

This is an application for condonation of delay of 197 days in preferring the appeal against the order passed by the 1st appellate court dated 18th March, 2019.

The petitioner herein instead of filing 2nd appeal, filed one Review Application which was dismissed on 24.12.2019. Now the petitioner has come up with the appeal against the original order dated 18.03.2019. While doing so, delay of 197 days has been caused.

I have perused the application and found that sufficient causes have been shown for the delay and the delay is condoned.

There is another prayer of the petitioner in this application, which is composite in nature, that in the meantime, the defendant NO. 8 has expired and in paragraph six of the appeal, the petitioner has named the legal heirs of the said defendant No. 8.

The petitioner is granted liberty to add the said substituted defendant as has been mentioned in his paragraph six in course of this week and serve a copy of the stay application on the respondents and will file affidavit of service.

The matter will appear four weeks hence.

(Abhijit Gangopadhyay, J.)