

24-01-2020
Court No.3
(Susanta)
SI/04.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 75 OF 2019

**Srimati Priya Saha
Vs.
Mr. Soumen Saha Roy**

Mr. Narendra Nath Das.

. . .For the Petitioner.

Affidavit-of-service filed in Court today be kept with the record.

None appears on behalf of the opposite party to oppose this application in spite of service.

This is an application under Section 24 of the Code of Civil Procedure.

The opposite party is the husband of the petitioner.

The opposite party has filed a suit under Section 12 of the Hindu Marriage Act, 1955 for a declaration that the marriage between the parties is a nullity.

The said suit being Matrimonial Suit no. 1969 of 2019 is pending before the 9th Court of learned Additional District Judge at Alipore, District 24-Parganas (South).

The petitioner by the present application is seeking transfer of the said matrimonial suit to any Court of the learned Additional District Judge at Siliguri, District Darjeeling competent to try the said suit.

The petitioner is praying transfer of the said suit on the grounds that she is residing at Siliguri along with her aged and ailing parents. The petitioner neither has financial capacity nor has any support to travel to Kolkata to contest the said matrimonial suit.

The said grounds are good grounds for transfer of the said matrimonial suit from the Court where it is now pending to any Court nearer to the residence of the petitioner, particularly in the absence of anything contrary thereto on record.

The application under Section 24 being C.O. 75 of 2019 is, therefore, allowed.

The records of **MATRIMONIAL SUIT NO. 1969 OF 2019 (MR. SOUMA N SAHA ROY VS. SRIMATI PRIYA SAHA)** be withdrawn from the 9th Court of learned Additional District Judge Alipore, District 24-parganas (South) and be transferred to the Court of learned District Judge, Darjeeling.

The learned District Judge Darjeeling on receipt of the record of the said suit shall transmit the same to any competent Court of learned Additional District Judge at Siliguri under his judgeship for trial and disposal of the said suit.

The department is directed to communicate this order to the learned District Judge Alipore, District 24-parganas (South) immediately.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)