

17.08.2021
(S/L-25)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 3 of 2020
with
I.A No. CAN 1 of 2020 (Old CAN 2424 of 2020)

Smt. Ranita Chatterjee nee Mukherjee
-Vs-
Sri biplab Chatterjee

Mr. Amitava Ghosh,
Sk. Sujauddin,
..... For the Petitioner.

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

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

None appears on behalf of the opposite party
either virtually or physically on call.

The wife/respondent of the matrimonial suit
being Matrimonial Suit No. 2298 of 2019 filed by the
husband/opposite party for dissolution of the
marriage between the parties by a decree of divorce is
the petitioner of the present application.

The said matrimonial suit is pending before the
learned District Judge, Alipore, District- 24 Parganas
(South).

The petitioner by the present application is
seeking withdrawal of the said suit from the Court
where it is now pending and transfer of it to Court of
learned Additional District Judge at Serampore,
District-Hooghly on the grounds that she is residing

in her paternal house at Uttarpara and since she has been suffering from Rheumatoid Arthritis, it would be very difficult for her to come to the Court of learned District Judge at Alipore from Uttarpara to contest the said matrimonial suit.

Another ground on which such withdrawal and transfer has been prayed for is the pendency of maintenance proceedings under Section 125 CrPC between the parties before the learned 5th Judicial Magistrate at Serampore, District-Hooghly.

The distance between Uttarpara and Alipore assumes significance due to the ailing health of the petitioner and the said factor weighs in favour of the petitioner in allowing her prayer. That apart, all pending proceedings between the parties are required to be brought at one place to avoid unnecessary expenses and inconvenience of the parties.

This Court, therefore, is of the opinion that the prayer of the petitioner deserves to be allowed.

Let the records of the Matrimonial Suit No. 2298 of 2019 be withdrawn from the file of the learned District Judge, Alipore, District-24 Parganas (South) and be transferred to the Court of learned Additional District Judge, Serampore, District-Hooghly for trial and disposal.

The transferee Court shall proceed with the suit from the stage at which it has reached.

C.O. 03 of 2020 is thus allowed without any order as to costs.

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

The connected application, being I.A No. CAN 1 of 2020 (Old CAN 2424 of 2020) for extension of interim order, which is not in file, is also disposed of accordingly.

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.)