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13.01.2021

CO 55 of 2020

Ct.9.

Mr. S.K. Das

..For the petitioner.

Liberty is given to the petitioner to correct the cause title of the petition.

This is an application under section 24 of the Code of Civil Procedure, 1908, whereby the petitioner has sought to transfer of Act VIII Case No. 17 of 2020 now pending before the learned District Judge, Paschim Midnapore to the court of the learned District Judge, Nadia or to any other learned court within the territorial jurisdiction of the present residence of the petitioner, inter alia, on the grounds that the petitioner is putting up with her minor daughter aged 3 years 7 months in the jurisdiction of Kalyani, Nadia

It is pointed out that in view of section 9(1) of the Guardian & Wards Act, 1890, the application for custody of child under Act VIII is entertainable in the District Court having jurisdiction where the minor ordinarily resides. It is alleged that the minor is residing with her mother in the District of Nadia. The District Judge, Nadia has got the jurisdiction.

Secondly, it is pointed out that the distance between the court of Midnapore is 200 k.m from the place where the petitioner is residing.

Thirdly, a Misc. Case under section 125 Cr.P.C filed by the petitioner is pending in the court of Judicial Magistrate, Kalyani, Nadia, whereas, the husband is

presently Habilder in the Indian Army posted in Madhya Pradesh.

Let a copy of this application be served on the opposite party within two weeks from date by speed post with AD and file affidavit of service on the returnable date.

List the matter two weeks hence.

Let there be an order of stay of all further proceedings pending in the court of learned District Judge, Paschim Midnapore for a period of eight weeks from date.

(Shivakant Prasad, J.)