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SK
Ct. No. 18
17.08.2021

**C.O. No. 235 of 2020
(Via Video Conference)**

**Smt. Chandrani Mondal
Vs.
Uday Kumar Mondal**

Mr. Debanjan Mukherjee,
Mr. Shuvajit Bose ... For the petitioner.

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

Affidavit-of-service filed on behalf of the petitioner, be kept with the record.

Mr. Debanjan Mukherjee along with Mr. Shuvajit Bose, learned advocates appear on behalf of the petitioner.

None appears on behalf of the opposite party either virtually or physically in spite of service.

The wife/respondent of the matrimonial suit being Matrimonial Suit No. 166 of 2018 filed by the husband/opposite party for dissolution of 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 Additional District Judge at Bolpur, District-Birbhum.

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 any Court competent

to try and dispose of it under the Judgeship of learned District Judge, Paschim Bardhaman at Asansol on the ground that she is residing in her paternal home at Jamuria, Paschim Bardhaman with her minor son, as such, it would be very difficult for her to come to Bolpur from Jamuria to contest the said suit.

Another ground on which such withdrawal and transfer has been prayed for is the pendency of other proceedings for maintenance between the parties before the Court of learned Additional Chief Judicial Magistrate at Asansol, in which the husband/opposite party has entered appearance and is contesting.

The distance between Jamuria and Bolpur is certainly a factor to be considered in dealing with the prayer of the petitioner and the said factor weighs in favour of the petitioner. 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Let the records of Matrimonial suit no. 166 of 2018 be withdrawn from the file of the Court of learned Additional District Judge at Bolpur, District-Birbhum and be transferred to the Court of learned District Judge, Paschim Bardhaman at Asansol for trial and disposal.

The Learned District Judge, Paschim Bardhaman at Asansol shall either keep the said suit in his own file or may transfer it to any other Court under his Judgeship competent to try and dispose of the said suit.

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

C.O. 235 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 Additional District Judge at Bolpur, District- Birbhum.

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.)