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SK
Ct. No. 18
08.09.2021

**C.O. No. 387 of 2020
(Via Video Conference)**

**Smt. Moutusi Chakraborty (Mukherjee)
Vs.
Sri Moinak Chakraborty**

Mr. Mrinal Kanti Ghosh ... For the petitioner.

Mr. Mrinal Kanti Ghosh, learned advocate appearing on behalf of the petitioner files affidavit-of-service, which is taken on record.

None appears on behalf of the opposite party in spite of service.

The wife/ respondent of the Matrimonial Suit No. 1085 of 2019 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 under Section 24 of the Code of Civil Procedure.

The said matrimonial suit is pending before the 3rd Court of learned Additional District Judge, at Barrackpore, District- 24 Parganas (North).

The petitioner by the present application is praying withdrawal of the said suit from the Court where it is now pending and for transfer of it to the Court of learned District Judge, Purba Bardhaman on the ground that she is residing in Guskara, District – Purba Bardhaman with her minor son, as such it would be difficult for her to travel a distance of about 150 km from her residence to Barrackpore to contest the said matrimonial suit.

That apart, a proceeding for maintenance under Section 125 of the Code of Criminal Procedure being Misc. Case No.

399 of 2019 is pending before the learned Chief Judicial Magistrate, Purba Bardhaman where the husband/opposite party has entered appearance and is contesting.

The petitioner, in view of the distance between her residence and the said Court, is justified in pleading inconvenience in attending the Court where the said Court matrimonial suit is now pending.

That apart, all the proceedings between the parties should be brought in one place to save the unnecessary expenses and time of the parties, therefore the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 1085 of 2019 be withdrawn from the 3rd Court of learned Additional District Judge at Barrackpore, District – 24 Parganas (North) and be transferred to the Court of learned District Judge, Purba Bardhaman, who may either keep the said suit in his own file or may transfer it to any Court under his Judgeship competent to try and dispose of the said matrimonial suit.

The transferee Court shall proceed to dispose of the said suit from the stage where it has already reached.

The department is directed to communicate this order immediately to the 3rd Court of learned Additional District Judge, at Barrackpore, District – 24 Parganas (North).

C.O. 387 of 2020 is thus disposed of with the above terms without any 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.)

