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SK
Ct. No. 18
10.09.2021

**C.O. No. 442 of 2020
(Via Video Conference)**

**Smt. Sayani Chatterjee nee Mukherjee
Vs.
Sri Somnath Chatterjee**

Mr. Subir Pal ... For the petitioner.

Mr. Subir Pal, learned advocate appearing on behalf of the petitioner files affidavit-of-service, which is taken on record.

None appears to oppose the application in spite of service.

The wife/respondent of the Matrimonial Suit No. 142 of 2019 for dissolution of marriage between the parties by a decree of divorce pending before the 13th Court of learned Additional District Judge at Alipore, District - 24 Parganas (South) is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The petitioner by the present application is praying withdrawal of the aforesaid matrimonial suit from the Court where it is now pending and transfer of it to the Court of learned Additional District Judge, Fast Track, Court No. 1 at Burdwan on the ground that she is residing at Burdwan, as such it would be difficult for her to travel from her residence to Alipore Court to contest the said matrimonial suit.

The other ground on which the petitioner is seeking such withdrawal and transfer of the said suit is that the suit filed by her for restitution of conjugal rights of the parties is pending before the learned Additional District

Judge, Fast Track, Court No. 1 at Burdwan and the husband/opposite party is contesting the said suit.

In view of the distance between Burdwan and Alipore, the inconvenience pleaded by the petitioner cannot be ruled out, that apart, when a suit for restitution of conjugal rights of the parties is pending before a competent Court at Burdwan, the suit for divorce is required to be transferred to the said Court to avoid conflicting decisions. The prayer of the petitioner, therefore, deserves to be allowed.

Let the Matrimonial Suit No. 142 of 2019 be withdrawn from the 13th Court of learned Additional District Judge at Alipore, District – 24 Parganas (South) and be transferred to the Court of learned Additional District Judge, Fast Track, Court No. 1 at Burdwan for trial and disposal.

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 13th Court of learned Additional District Judge, at Alipore, District – 24 Parganas (South).

C.O. 442 of 2020 is thus allowed 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.)