

30.09.2021
(S/L-27)
Ct.-18
(Susanta)

(Via Video Conference)
C.O. 647 of 2020

Smt. Madhumita Mondal (Roy)
-Vs-
Sri Somnath Mondal

Mr. Lutful Haque,
Mr. Tarun Kanti Ghosh,
..... For the petitioner.

The opposite party is unrepresented in spite of service.

The wife/respondent in the Matrimonial Suit No. 2162 of 2019 filed by the husband/opposite party for restitution of conjugal rights between the parties is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

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

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 the Court of learned Additional District Judge at Arambagh, District-Hooghly on the ground that she is residing at Hooghly, as such, it would be very difficult for her to travel to Barrackpore from her residence and contest the said matrimonial suit.

In view of the distance between Barrackpore and Hooghly, inconvenience pleaded by the petitioner in attending and contesting the said suit in the Court of learned Additional District Judge at Barrackpore cannot be ruled out.

The prayer of the petitioner, therefore, deserves to be allowed.

Let the Matrimonial Suit No. 2162 of 2019 (***Sri Somnath Mondal vs. Smt. Madhumita Mondal (Roy)***) be withdrawn from the Court of learned Additional District Judge at Barrackpore, District 24-Parganas (North) and be transferred to the Court of learned District Judge, District-Hooghly who, after receipt of the records of the said suit, shall transfer it to any Court competent to try and dispose of the said suit under his judgeship at Arambagh.

The said suit, after transfer, shall be proceeded with from the point at which it was withdrawn.

Irrespective of transmission of the records of the said matrimonial suit, the parties, upon production of the server copy of this order, shall appear before the Court of learned District Judge, District-Hooghly on **November 15, 2021**.

The learned District Judge, District-Hooghly is requested to act on such communication.

The petitioner shall communicate this order to the opposite party within seven days from date.

The department is directed to communicate this order immediately to the Court of learned Additional District Judge at Barrackpore, District 24-Parganas (North), and the said Court, on receipt of such communication, shall expedite the transmission of the records of the said suit.

C.O. 647 of 2020 is 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.)