

S/L 21.
4.02.2021
S.D.

C.O. 814 of 2020

Monojit Chatterjee
Vs.
Tania Chatterjee @ Mukherjee

Mr. Amal Kumar Banerjee
...For the Petitioner.

Mr. Satyam Mukherjee
...For the O.P.

This is an application under Section 24 of the Civil Procedure Code for transfer of the case being Matrimonial Suit No. 183 of 2019 from the Court of learned District Judge, Murshidabad at Berhampore to the Court of learned District Judge, Birbhum at Suri *inter alia* on the ground that the opposite party earlier had filed an application under Section 24 of the Civil Procedure Code being C.O. No. 177 of 2019 praying for transfer of the said case being Matrimonial Suit No. 118 of 2019 from the Court of learned Additional District and Sessions Judge, Durgapur, Paschim Burdwan to the Court of learned District Judge, Murshidabad at Berhampore. After filing the present divorce suit by the present petitioner, the opposite party filed an application under Section 22 of the Special Marriage Act, 1954 being M.A.T. Suit No. 183 of 2019 where the opposite party prayed for decree of restitution of

conjugal right against the present petitioner and the said Matrimonial Suit was filed after the suit being M.A.T. Suit No. 118 of 2019 is filed and the date of filing of the said M.A.T. Suit No. 183 of 2019 is in May 29, 2019. During the pendency of the application under Section 24 of Civil Procedure Code, a notice of M.A.T. Suit No. 183 of 2019 was served upon the petitioner who has now sought for transfer the case to the Court of District Judge, Birbhum.

At this stage, learned Advocate Mr. Satyam Mukherjee for the opposite party present before this Court and submits that he was Advocate on record in connection with the earlier application under Section 24 of the Civil procedure Code being C.O. 177 of 2019 which was allowed to transfer the Matrimonial Suit No. 118 of 2019 from the Court of Additional District Judge, Durgapur, Paschim Burdwan to the Court of District Judge, Birbhum by the order passed in the said revisional application. The Matrimonial Suit being M.A.T. 118 of 2019 had been transferred to the Court of District Judge, Birbhum at Suri. Accordingly, he has no objection if the matrimonial suit being M.A.T. No. 183 of 2019 for a decree of restitution of conjugal right is transferred to the Court of District Judge, Birbhum, Suri from the Court of District Judge, Murshidabad at Berhampore.

Accordingly, the application being C.O. 814 of 2020 is allowed.

Let the Matrimonial Suit being M.A.T. 183 of 2019 be withdrawn from the file of learned District Judge, Murshidabad at Berhampore and be transferred to the Court of learned District Judge, Birbhum at Suri.

Let a copy of this order be communicated to the learned District Judge, Birbhum and Murshidabad for necessary action on their part.

On submission of the learned Advocate for both the parties, let both the Matrimonial Suit be heard analogously or simultaneously by the District Judge, Birbhum on receipt of the records as expeditiously as possible.

Urgent certified copies of this order, if applied for, be given to the parties upon compliance of the usual formalities.

(Shivakant Prasad, J.)