

04.10.2021
Srimanta
Sl. No. 35
Ct. No. 18

C.O. 953 of 2020
[Via Video Conference]

Najma Khatoon
-Vs.-
Imranul Hasan

Mr. Swapan Banerjee, Adv.,
Mr. Kunal Ganguly, Adv.

...for the petitioner.

Affidavit-of-service filed on behalf of the petitioner in Court today be kept with the record.

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

The wife/respondent in the Title Suit No. 935 of 2018 filed by the husband/opposite party for a decree of 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 suit is pending before the 2nd Court of the learned Civil Judge (Junior Division) at Howrah.

The petitioner by the present application is praying withdrawal of the said suit from the Court from 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, District-Paschim Bardhaman at Asansol on the ground that she is residing at Kulti, District-Paschim Bardhaman, as such, it would be difficult for her to travel to Howrah from her residence and contest the said suit.

The other ground on which such withdrawal and transfer of the said suit has been prayed for is that a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 filed by the petitioner is pending before the competent Criminal Court at Asansol.

The petitioner, in view of distance between Kulti and Howrah, is justified in pleading her inconvenience in attending the said Court at Howrah where the said suit is pending. Moreover, all the pending proceedings between the parties should be brought at

one place to avoid unnecessary expenses and inconvenience of the parties.

Let the Title Suit No. 935 of 2018 (*Imranul Hasan vs. Najma Khatoon*) be withdrawn from the 2nd Court of the learned Civil Judge (Junior Division), Howrah and be transferred to the Court of the learned District Judge, District-Paschim Bardhaman at Asansol.

The said learned District Judge, on receipt of the records, shall transfer the said suit to any court competent to try and dispose of it under his Judgeship and the said suit, thereafter, shall be proceeded with from the point at which it was withdrawn.

Irrespective of transmission of the records of the said suit, the parties are directed to appear before the learned District Judge, District-Paschim Bardhaman at Asansol on **November 22, 2021** upon production of the server copy of this order.

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

The petitioner is directed to serve a copy of this order upon the opposite party within seven days from date.

The department is directed to communicate this order immediately to the 2nd Court of the learned Civil Judge (Junior Division), Howrah and the said Court, on receipt of such communication, shall expedite the transmission of the records of the said suit.

C.O. 953 of 2020 is 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.)