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SK
Ct. No. 18
21.09.2021

**C.O. No. 835 of 2019
(Via Video Conference)**

**Smt. Saraswati Malakar
Vs.
Sri Balaram Malakar**

Mr. Madhusudan Mandal ... For the petitioner.

Mr. Madhusudan Mandal, learned advocate appearing on behalf of the petitioner files affidavits-of-service, which is taken on record.

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

The wife/ respondent in the Matrimonial Suit No. 20 of 2019 filed by the husband/opposite party for dissolution of marriage between the parties to the proceeding 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 Court of learned Additional District Judge, at Katwa.

The petitioner by the present application is praying 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 Raghunathpur, District-Purulia on the ground that she is residing at Village – Moutorh, District - Purulia with her minor son, as such, it would be difficult for her to travel a distance of about 420 km to Katwa from her residence and contest the said matrimonial suit.

That apart, a proceeding for maintenance filed by the petitioner under Section 125 of the Code of Criminal

Procedure being Misc. Case No. 13 of 2017 is pending before the learned Additional Chief Judicial Magistrate at Raghunathpur, where the husband/opposite party has entered appearance and is contesting.

In view of the distance between Katwa and her residence in Purulia, the petitioner is justified in pleading inconvenience in attending the Court where the said matrimonial suit is now pending, that apart, all the proceedings between the parties should be brought at 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Let the Matrimonial Suit No. 20 of 2019 (**Balaram Malakar vs. Saraswati Malakar**) be withdrawn from the Court of learned Additional District Judge at Katwa and be transferred to the Court of learned Additional District Judge at Raghunathpur, District - Purulia.

The said suit, after transfer, shall proceed from the point where it was withdrawn.

The petitioner is directed to communicate this order to the opposite party in course of this week.

The department is directed to communicate this order immediately to the Court of learned Additional District Judge at Katwa.

C.O. 835 of 2019 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.)