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SK
Ct. No. 18
23.09.2021

**C.O. No. 693 of 2021
(Via Video Conference)**

**Jui Banerjee Paul
Vs.
Apurba Banerjee**

Mr. Sunny Nandy,
Mr. Purnendu Maity,
Mr. Tamal Singha Roy,
Mr. Subha Pathak ... For the petitioner.

Mr. Atis Kumar Biswas,
Mr. Amit Singh ... For the opposite party.

The wife/respondent in the Matrimonial Suit No. 04 of 2021 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 5th Court of learned Additional District Judge at Krishnanagar, District-Nadia.

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 Principal Judge, Family Court at Calcutta on the ground that she is presently residing at Baghbazar, Kolkata with her minor son, as such, it would be very difficult for her to travel to Nadia from her residence and contest the said matrimonial suit.

In view of the distance between Nadia and Kolkata, the petitioner is justified in pleading inconvenience in attending and contesting the said matrimonial suit at Nadia, therefore, the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 04 of 2021 (***Apurba Banerjee vs. Jui Banerjee (Pal)***) be withdrawn from the 5th Court of learned Additional District Judge at Krishnanagar, District- Nadia and be transferred to the Court of learned Principal Judge, Family Court at Calcutta.

The said suit, after transfer, shall proceed from the point at which it was withdrawn.

Irrespective of transmission of the records of the said matrimonial suit, the parties, upon production of a server copy of this order, shall appear before the Court of learned Principal Judge, Family Court at Calcutta on **November 11, 2021**.

The department is directed to communicate this order immediately to the 5th Court of learned Additional District Judge at Krishnanagar, District- Nadia and the said Court, on receipt of such communication, shall expedite the transmission of the records of the said suit.

C.O. 693 of 2021 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.)