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SK
Ct. No. 18
02.09.2021

**C.O. No. 733 of 2021
(Via Video Conference)**

**Smt. Bhagyalakshmi Das
Vs.
Sujit Maity**

Mr. Amal Kumar Banerjee ... For the petitioner.

Mr. Sukla Das Chandra,
Mr. S. K. Ganguly ... For the opposite party.

This is an application under Section 24 of the Code of Civil Procedure.

The petitioner is the defendant of the Title Suit No. 29 of 2021 pending before the 1st Court of learned Civil Judge, (Junior Division), at Kanthi, District – Purba Medinipur.

The opposite party has filed the said suit seeking, inter alia, a decree of declaration that there is no valid marriage solemnized between the parties to the suit according to the Hindu Rites and Customs.

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 Civil Judge, (Junior Division) at Rampurhat, District – Birbhum for trial and disposal on the ground that she is an Eighty percent handicaped lady and cannot move without wheelchair as such it is absolutely impossible for her to travel to Kanthi from Birbhum, her place of residence to contest the said suit. The

petitioner has annexed photocopy of documents in support of her said disability.

The prayer of the petitioner for withdrawal and transfer of the said suit is justified in view of her such physical condition.

Let the Title Suit No. 29 of 2021 be withdrawn from the 1st Court of learned Civil Judge, (Junior Division) at Kanthi, District – Purba Medinipur and be transferred to the Court of the learned District Judge, Birbhum who shall send the said suit for trial and disposal to any Court competent to try and dispose of it at Rampurhat under his judgeship.

The transferee Court shall proceed with the said suit from the stage at which it has already reached.

The transferee Court shall make all endeavour to dispose of the said suit expeditiously without granting any unnecessary adjournment to either of the parties.

Since no affidavit-in-opposition has been filed by the opposite party, the allegations made in the application are deemed to have been denied by him.

C.O. 733 of 2021 is thus disposed of 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.)