

27.09.2021
(S/L-22)
Ct.-18
(Susanta)

(Via Video Conference)
C.O. 1195 of 2019

Smt. Soma Gozi (Banerjee)
-Vs-
Sri Pirthwish Gozi

Mr. Gourganga Kumar Das,
..... For the petitioner.

The opposite party is unrepresented in spite of service to oppose the prayer of the petitioner.

The wife/respondent in the Matrimonial Suit No. 92 of 2019 filed by the husband/opposite party seeking dissolution of marriage between the parties 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 learned Additional District Judge at Serampore, District-Hooghly.

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 Baruipur, District 24-Parganas (South) on the ground that she is residing at Narendrapur, District 24-Parganas (South) along with her child, as such, it would be difficult for her to travel to Serampore from her residence and contest the said matrimonial suit.

That apart, other criminal proceedings between the parties are pending before the competent Criminal Courts at Baruipur.

In view of the distance between Serampore and Baruipur, inconvenience pleaded by the petitioner in attending and contesting the said suit at Serampore cannot be ruled out; that apart, all pending proceedings between the parties are required to be brought in one place to avoid inconvenience and unnecessary expenses of the parties, therefore, the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 92 of 2019 (***Sri Prithwish Gozi vs. Smt. Soma Gozi (Banerjee)***) be withdrawn from the learned Additional District Judge at Serampore, District-Hooghly and be transferred to the Court of learned District Judge, District 24-Parganas (South).

The said District Judge, upon receipt of the said records, shall transfer the said matrimonial suit to any Court competent to try and dispose of the said suit under his judgeship at Baruipur and the said suit, thereafter, shall be proceeded with from the point at which it was withdrawn.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 matrimonial suit, the parties shall appear before the Court of learned District Judge, District-24-Parganas (South) upon

production of the server copy of this order **on November 15, 2021**. The learned District Judge is requested to act on such communication.

The petitioner shall communicate this order to the opposite party within a week from date.

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

C.O. 1195 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.)