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07.10.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 938 of 2021

**Maneesha Islam
-versus-
Md. Amir Hossain Molla**

Mr. Anuran Samanta,
... for the petitioner.

Ms. Rima Das, ... for the opposite party.

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

The parties have a female child named Alisha Hossain. The petitioner is the mother of the said minor and the opposite party is the father.

The opposite party has initiated a proceeding under Section 25 of the Guardians and Wards Act, 1890 before the learned District Judge, Murshidabad at Berhampore being Guardianship Case No. 43 of 2019.

The petitioner is praying withdrawal of the said case from the said Court where it is now pending and transfer of it to the Court of the learned District Judge, Uttar Dinajpur on the ground that she is residing at Islampur, District- Uttar Dinajpur along with her said child, as such, it would be inconvenient for her to contest the said case at Murshidabad.

Besides the inconvenience pleaded by the petitioner in contesting the said case at Murshidabad, in terms of section 9 of the Guardians and Wards Act, 1890 a proceeding in respect of

the guardianship of the person of the minor is to be made to the District Court having jurisdiction in the place where the minor ordinarily resides.

The minor is admittedly residing within the jurisdiction of the learned District Judge, Uttar Dinajpur.

The prayer of the petitioner, for the aforesaid reasons, deserves to be allowed.

Let the Guardianship Case No. 43 of 2019 (*Md. Amir Hossain Molla vs. Maneesha Islam*) be withdrawn from the Court of the learned District Judge, Murshidabad at Berhampore and be transferred to the Court of the learned District Judge, Uttar Dinajpur.

The said case thereafter shall be proceeded with from the point at which it was withdrawn.

The department is directed to communicate this order immediately to the aforesaid Court where the said case is now pending, and the said Court, upon receipt of such communication shall expedite the transmission of the records of the case to the Court of the learned District Judge, Uttar Dinajpur.

CO 938 of 2021 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 of all requisite formalities.

(Biswajit Basu, J.)