

29-11-2021
ct no. 13
Sl.1
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C.O. No. 961 of 2021

Smt. Ishani Ghosal

-Versus-

Sri Somak Ghosh

(Via Video Conference)

Mr. Soumik Ganguli,
Mr. Sujan Chatterjee

...for the petitioner

Mr. Atanu Biswas

....for the opposite party/husband

Affidavit of service filed in Court today is
taken on record.

This is an application under Section 24 of
the C.P.C. seeking transfer of Matrimonial Suit No.
760 of 2020 under Section 13 of the Hindu
Marriage Act from the Court of the learned
Additional District Judge, 2nd Court at Howrah to
any Court in West Bengal. The petitioner/wife and
the husband/opposite party are the learned
advocates, practicing in the Howrah Court. They
also reside in Howrah.

The applicant/wife is the defendant in the
said suit, has applied before this Court, inter alia,
on the ground that proceeding has become
embarrassing and subject matter of gossip in the
entire bar at Howrah. The said gossip, which is an
accepted reality, could have the effect of

prejudicing both the petitioner/wife and the husband/opposite party.

It is also submitted that advocates are not ready to represent the petitioner since the opposite party/husband is very influential at the Howrah bar. While the second ground does not appear to be fully convincing, this Court is inclined to accept the first ground as a reality and practical problem which otherwise cannot be detailed in writing.

Learned counsel for the opposite party/husband relies upon two unreported decisions of the Co-ordinate benches of this Court, namely, C.O. 2578 of 2017 (Sakti Prosad Ganguly vs. Ashok Ganguly) dated August 2, 2019 and C.O. 1752 of 2017 (Smt. Monalisa Koley vs. Sri Sourav Sararu) dated July 13, 2018. He opposes the prayer for transfer.

This Court finds that the said decisions have no manner of application in the facts of the case as the subject matter of both the orders is partition and administration of property and not matrimonial.

For the purpose of effective adjudication and proper disposal of the said matrimonial proceedings, this Court directs the said Matrimonial Suit No. 760 of 2020 (Sri Soumik

Ghosh vs. Smt. Ishani Ghosal) to be transferred to Family Court at Calcutta.

The learned Additional District Judge, 2nd Court at Howrah shall ensure that the entire records and proceedings of the said matrimonial suit is transferred to the family Court at Calcutta expeditiously but not later than 15 days from the date of receipt of a copy of this order.

The next date for appearance before the learned Family Court at Calcutta is fixed on December 16, 2021.

It is made absolutely clear that the transfer shall not be deemed to be any aspersion on any Court at Howrah and has been ordered only in the mutual interest of the parties.

With the aforesaid directions, the revisional application is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)