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SK
Ct. No. 18
23.08.2021

**C.O. No. 1358 of 2018
(Via Video Conference)**

**Mst. Rojina Bibi
Vs.
Mhd. Monirul Islam Akunji**

Mrs. Shohini Chakrabarty,
Mr. Sanat Das,
Ms. Prajaaini Das ... For the petitioner.

Mr. Prasenjit Debnath ... For the opposite party.

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

The opposite party has initiated a proceeding for the custody of the minor son of the parties under the Guardians and Wards Act, 1890 being Act VIII Miscellaneous Case No. 220 of 2017 pending before the Court of learned District Judge at Barasat, District- 24 Parganas (North).

The mother of the said minor, the opposite party to the aforesaid proceeding, is the petitioner of the present application.

It is not in dispute that the said minor at present is in the custody of the petitioner although such custody was with the opposite party at the time of filing of the present application.

The petitioner, by the present application, is seeking withdrawal of the said proceeding from the Court where it is now pending and transfer of it to the

Court of learned District Judge at Chinsurah, District-Hooghly.

The grounds on which such withdrawal and transfer of the said suit have been prayed for are firstly, she is now residing at her paternal home in Mughaltuli, Chinsurah and being a lady not having sufficient financial resources, is unable to travel from her said residence to Barasat to contest the said proceeding.

Secondly, there are other criminal proceedings and maintenance proceeding under Section 125 Cr.P.C pending between the parties before the respective criminal courts at Chinsurah, District- Hooghly.

The inconvenience of the petitioner to travel to Barasat from Chinsurah is a just cause for consideration of the said prayer of the petitioner, the said cause gets a good support from the other ground on which the said prayer of the petitioner is based inasmuch as all proceedings between the parties are required to be brought at one place to avoid unnecessary expenses and inconvenience of the parties.

The prayer of the petitioner, therefore, deserves to be allowed.

Let the Act VIII Miscellaneous Case No. 220 of 2017 be withdrawn from the Court of learned District Judge at Barasat, District-24 Parganas (North) and be

transferred to the Court of learned District Judge at Chinsurah, District-Hooghly for trial and disposal.

The Learned District Judge at Chinsurah may either keep the said proceeding in his own file or may transfer it to any other Court under his Judgeship competent to try and dispose of the said suit.

The transferee Court shall proceed with the proceeding from the point at which it has already reached.

C.O. 1358 of 2018 is thus allowed without any order as to costs.

The department is directed to communicate this order immediately to the Court of learned District Judge at Barasat, District- 24 Parganas (North).

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.)