

17.08.2021
(S/L-12)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1354 of 2019

Smt. Mousumi Roy
-Vs-
Sri Surajit Saha

Mr. Uddipan Banerjee,
..... For the Petitioner.
Mr. Mani Sankar Chattopadhyay,
Mr. S. Chatterjee,
..... For the Opposite Party.

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

The wife/respondent of the matrimonial suit being Matrimonial Suit No. 31 of 2019 filed by the husband/opposite party for dissolution of the marriage between the parties by a decree of divorce is the petitioner of the present application under Section 24 of the Code.

The said matrimonial suit is pending before the Court of learned District Judge, Nadia at Krishnanagar.

The petitioner by the present application is seeking withdrawal of the said suit from the Court where it is now pending and for transfer of it to the Court of learned District Judge, Barasat, 24-Parganas (North), inter alia, on the ground that the petitioner is residing in her parental house at Barasat with her minor daughter, as

such, it would be very difficult for her to travel from Barasat to the Court of learned District Judge, Nadia at Krishnanagar to attend and contest the said suit.

Comparative hardship in prosecuting and defending the said matrimonial suit weighs in favour of the petitioner in withdrawing and transferring the said suit as prayed for.

This Court, therefore, is of the opinion that the prayer of the petitioner deserves to be allowed.

Let the records of the Matrimonial Suit No. 31 of 2019 be withdrawn from the file of the learned District Judge Nadia at Krishnanagar and be transferred to the Court of learned District Judge at Barasat, 24-Parganas (North) for trial and disposal.

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

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

The transferee Court is requested to expedite the disposal of the suit.

C.O. 1354 of 2019 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, Nadia at Krishnanagar.

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.)