

26

28.06.2021  
TN

CO No.1120 of 2021

(Via video conference)

Barsha Ghosh nee Das  
Vs.  
Sri Sourav Das

Mr. Shibaji Kumar Das,  
Mr. Dyutimoy Pal,  
Ms. Rupsa Sreemani

.... for the petitioner

Affidavit-of-service filed in court today be kept on record.

When the matter is called on for hearing, none appears for the opposite party, despite satisfactory service as reflected from the affidavit-of-service filed today, which be kept on record.

Since none appears for the opposite party, there is no necessity of keeping the matter pending unnecessarily, thereby delaying the suit from which the present application under Section 24 of the Code of Civil Procedure arises, which is a matrimonial suit, having implicit urgency for both sides.

In view of a strong case having been made out by the petitioner as regards the opposite party-husband already attending two other criminal proceedings at Siliguri and since the petitioner, who resides at Siliguri, pleads that she does not have any income to sufficiently maintain herself and it will be difficult for the petitioner to attend the Court at Barasat where the suit has now been filed by the husband, CO No.1120 of 2021 is disposed of by directing the Matrimonial Suit No.243 of 2021 pending before the Additional District and Sessions Judge, First Court at Barasat to stand transferred to the Court of the District Judge at Darjeeling. The District Judge at Darjeeling shall, as expeditiously thereafter as the business of the said court permits, allocate the suit before a competent Court of Additional District Judge at Siliguri.

The petitioner shall communicate this order to the Court of the Additional District Judge, First Court at Barasat as well as the Court of the District Judge at Darjeeling at the earliest.

The Additional District Judge, First Court at Barasat shall ensure that the records of the case are transmitted expeditiously to the Court of the District Judge at Darjeeling.

Both parties and both the courts below, referred to above, shall act on the written communication of the learned advocate-on-record for the petitioner, along with server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)