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SK
Ct. No. 18
02.08.2021

**C.O. No. 1149 of 2021
(Via Video Conference)**

**Soma Maji
Vs.
Utpal Maji**

Ms. Ameena Kabir ... For the petitioner.

Affidavit-of-service filed in Court today on behalf of the petitioner is taken on record.

None appears on behalf of the opposite party either virtually or physically to oppose the prayer of the petitioner.

The mother/respondent in a proceeding under Section 25 of Guardians and Wards Act, 1890 being Miscellaneous Case No. 12 of 2021 filed by the father/opposite party pending before the Court of learned District Judge at Suri, District-Birbhum is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The petitioner by the present application seeks withdrawal of the said misc. case from the Court where it is now pending and transfer of it to any Court competent to try and dispose it of under the Judgeship of learned District Judge, Hooghly at Chinsurah on the ground that she is now residing at her paternal house along with her minor son at village Rohia, District-Hooghly which is 122 kms away from Suri, and since there is no one to accompany her, it

would be quite impossible for her to travel alone from Hooghly to Suri to attend the regular proceedings of the said Misc. case.

Comparative hardship in prosecuting and defending the said Misc. case weighs in favour of the petitioner, therefore, the prayer of the petitioner deserves to be allowed.

The Miscellaneous Case No. 12 of 2021 be withdrawn from the file of the learned District Judge at Suri, District-Birbhum and be transferred to the file of the Court of learned District Judge, Hooghly at Chinsurah.

Learned District Judge, Hooghly at Chinsurah shall either keep the said suit in his own file or shall transfer it to any other court subordinate to it competent to try and dispose of the same.

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

C.O. 1149 of 2021 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 Suri, District-Birbhum.

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.)

