

12
SK
Ct. No. 18
02.08.2021

**C.O. No. 1161 of 2021
(Via Video Conference)**

**Roma Saha
Vs.
Sri Shyam Sundar Saha**

Mr. Malay Bhattacharyya ... For the petitioner.

Mr. Ashim Kr. Routh,
Mr. Indrajit Bhattacharjee ... For the opposite party.

Affidavit-in-opposition filed by the husband/opposite party is taken on record.

Since no reply is used, the allegations made in the said affidavit-in-opposition are deemed to have been denied by the petitioner.

The wife/respondent in a matrimonial suit being Matrimonial Suit No. 385 of 2020 filed by the opposite party for dissolution of the marriage between the petitioner and opposite party by a decree of divorce is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The said suit is pending before the learned 3rd Fast Track Court at Barrackpore, District-24 Parganas (North)

The petitioner by the present application seeks withdrawal of the said matrimonial suit from the Court where it is now pending to any Court competent to try and dispose it of under the Judgeship of learned District Judge at Bankura, on the grounds of her inconvenience to contest the said suit at Barrackpore from Bankura and pendency

of other proceedings between the parties at Bishnupur, District-Bankura.

Mr. Ashim Kumar Routh, learned counsel appearing on behalf of the husband/opposite party submits that his client is not seriously objecting the prayer of the petitioner for transfer but apprehends that he would be harassed by the family members of the petitioner at Bishnupur.

Mr. Malay Bhattacharyya, learned counsel appearing on behalf of the petitioner submits that the apprehension of the opposite party has no basis inasmuch as neither his client nor her family members has any intention to harass the petitioner.

In view of such stand being taken by the husband/opposite party, the Matrimonial Suit No. 385 of 2020 be withdrawn from the file of the learned 3rd Fast Track Court at Barrackpore, District-24 Parganas (North) and be transferred to file of the Court of the learned District Judge at Bankura, who on receipt of the records shall transfer the said suit to any Court subordinate to it competent to try and dispose it of at Bishnupur.

The transferee Court shall proceed with the suit from the point at which it has already reached. It is, however, made clear that the petitioner shall not cause any unnecessary delay in disposal of the suit.

C.O. 1161 of 2021 is thus allowed without any order as to costs.

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.)