

14.09.2021
(S/L-58)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1179 of 2021

Debasree Paul
-Vs-
Subrata Lohar

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani,
..... For the petitioner.

Mr. Soumik Ganguly,
Mr. Bani Brata Datta,
..... For the Opposite Party.

The wife/respondent of the matrimonial suit being Matrimonial Suit No. 52 of 2021 filed by the husband/opposite party seeking 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 of Civil Procedure.

The said matrimonial suit is pending before the Court of learned District Judge at Bankura.

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, District- 24 Parganas (North) at Barasat on the ground that she is residing at Jagaddal, District- 24 Parganas (North) and she is working as a teacher in a secondary school at Kankinara, District 24-

Parganas (North), as such, it would be very difficult for her to travel to Bankura from her residence to contest the said matrimonial suit.

Inconvenience of the petitioner to contest the said suit at Bankura is obviously a consideration for her prayer for withdrawal and transfer of the said suit but she being a working lady, the said consideration cannot be the sole criteria for allowing her prayer.

The inconvenience of the opposite party, the petitioner of the said matrimonial suit, who is also working at Bishnupur, District-Bankura also deserves consideration.

Therefore, to do equity between the parties, let the Matrimonial Suit no. 52 of 2021 (**Sri Subrata Lohar vs. Smt. Debasree Paul**) be withdrawn from the Court of Learned District Judge at Bankura and be transferred to the Court of learned District Judge, Howrah who may either keep the said suit in his own file or may transfer it to any other Court under his Judgeship competent to try and dispose of the said matrimonial suit.

The transferee Court shall proceed to dispose of the said suit from the stage where it has already reached.

The parties shall appear before the learned District Judge, Howrah on September 30, 2021

on production of the server copy of this order, irrespective of transmission of the records of the said matrimonial suit to the said Court.

The transferee Court is requested to expedite the disposal of the said suit in accordance with law.

C.O. 1179 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.)