

(41)
23.09.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 1180 of 2021

**Mousumi Mondal @ Mausumi Mondal
-versus-
Sri Debdulal Bhaskar**

Mr. Prosenjit Mukherjee,
Mr. Saptarshi Chakraborty,
... for the petitioner.

Mr. Farhan Gaffar,
Mr. Wasim Akram, ... for the opposite party.

The wife/respondent in the Matrimonial Suit No. 1654 of 2020 filed by the husband/opposite party for dissolution of 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 3rd Court of learned Additional District Judge at Alipore, District-24 Parganas (South).

The petitioner by the present application is praying for withdrawal of the said suit from the Court where it is now pending and transfer of it to the Court of learned Additional District Judge at Rampurhat, District-Birbhum inter alia, on the grounds that she is residing at Rampurhat and working as a teacher in a primary school there, therefore, it would be difficult for her to travel to Alipore from her residence and contest the said matrimonial suit; that apart, a criminal proceeding between

the parties under Sections 498A/307 of the Indian Penal Code is pending before the competent criminal Court at Rampurhat.

Mr. Farhan Gaffar, learned counsel appearing on behalf of the opposite party submits that although the opposite party principally is not objecting to the said prayer of the petitioner but he is apprehensive about delay in disposal of the said suit.

Considering the grounds on which the withdrawal and transfer of the said matrimonial suit has been prayed for, particularly when the opposite party is not objecting to the said prayer of the petitioner, this Court is of the opinion that the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 1654 of 2020 (*Sri Debdulal Bhaskar vs. Mousumi Mondal*) be withdrawn from the 3rd Court of the learned Additional District Judge at Alipore, District-24 Parganas (South) and be transferred to the Court of the learned District Judge, Birbhum.

The learned District Judge, Birbhum after receipt of the records of the said suit, shall transfer the said matrimonial suit to any court competent to try and dispose of the said suit under his Judgeship at Rampurhat and the said suit thereafter shall be proceeded with from the point at which it was withdrawn.

The learned Trial Judge shall make all endeavour to dispose of the said suit expeditiously in accordance with law.

The department is directed to communicate this order immediately to the 3rd Court of learned Additional District Judge at Alipore, District-24 Parganas (South) and the said Court, on receipt of such communication, shall expedite the transmission of the records of the said suit to the Court of the learned District Judge, Birbhum.

C.O. 1180 of 2021 is therefore allowed with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)