

(25)
16.08.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO No. 1234 of 2021

Bhadu Modak
-versus-
Sankar Modak

Mr. Soumik Ganguly,
Mr. Sayan Roy,

... for the petitioner.

This is an application under Section 24 of the Code of Civil Procedure.

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

None appears on behalf of the opposite party to oppose this application.

The wife/respondent in a matrimonial suit being Matrimonial Suit No. 83 of 2021 filed by the husband/opposite party for dissolution of marriage between 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 learned District Judge, Paschim Bardhaman at Asansol.

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 any Court competent to try and dispose of it under the judgeship of learned District Judge at Bankura or any court subordinate to learned District Judge at Khatra on the grounds that the petitioner is a resident of a remote village of the District of Bankura, as such, it is difficult for her to travel nearly 160 kilometers to attend

and contest the said matrimonial suit at Asansol.

The other ground on which withdrawal and transfer of the said suit has been prayed for is the pendency of other cases between the parties under Section 498A of the Indian Penal Code and proceedings for maintenance before the respective criminal Courts at Khatra, District: Bankura.

Comparative hardship in prosecuting and defending the said matrimonial suit weighs in favour of the wife/petitioner, that apart, all the proceedings between the parties should be adjudicated at one place to avoid unnecessary expenses and inconvenience of the parties.

Considering the said position, this Court is of the view that the prayer of the petitioner deserves to be allowed.

Let the records of the Matrimonial Suit No. 83 of 2021 be withdrawn from the file of learned District Judge at Paschim Bardhaman at Asansol and be transferred to the Court of the learned District Judge, at Bankura.

The learned District Judge at Bankura shall either keep the said suit in his own file or may transfer it to any court under his Judgeship competent to try and dispose of the said suit at Khatra.

The Transferee Court shall proceed with the suit from the stage on which it has already reached.

CO 1234 of 2021 is thus allowed without any order as to costs.

The department is directed to communicate this order immediately to the Court of the learned District Judge, Paschim Bardhaman at Asansol.

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

(Biswajit Basu, J.)