

(10)
22.09.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO No. 1792 of 2018

Debjani Sanyal alias Debjani Banerjee
-versus-
Saibal Sanyal

Mr. Dhananjay Banerjee,
... for the petitioner.

Affidavit-of-service filed on behalf of the petitioner in
Court today be kept with the record.

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

The wife/respondent of the Matrimonial suit No. 28 of
2016 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 Court of
the learned Additional District Judge, Fast Track Court No. 1, at
Barasat, District-24 Parganas (North).

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 any Court competent to try and
dispose of the said suit at Barrackpore, District-24 Parganas
(North) on the ground that she resides at Barrackpore and is
suffering from different kinds of Neurological diseases, as such,

it would be absolutely impossible for her to travel to Barasat from her residence and contest the said matrimonial suit.

It appears from the petition for divorce annexed to the said application that the illness of the petitioner is one of the grounds for seeking the decree of divorce. The petitioner, therefore, is justified in praying withdrawal and transfer of the said matrimonial suit on the ground of her illness.

The application of the petitioner, therefore, deserves to be allowed.

Let the Matrimonial Suit No. 28 of 2016 (*Sri Saibal Sanyal vs. Smt. Debjani Sanyal alias Debjani Banerjee*) be withdrawn from the Court of the learned Additional District Judge, Fast Track Court No. 1, at Barasat, District-24 Parganas (North) and be transferred to the Court of the learned District Judge, District-24 Parganas (North) at Barasat.

The said learned District Judge, on receipt of the records, shall transfer the same to any Court competent to try and dispose of the said suit under his Judgeship at Barrackpore and the said suit, thereafter, shall be proceeded with from the point at which it is withdrawn.

Irrespective of transmission of the records of the said matrimonial suit, the parties, upon production of a server copy of this order, shall appear before the learned District Judge, District- 24 Parganas (North) at Barasat on **November 08, 2021**.

The petitioner is required to communicate this order upon the opposite party in course of this week.

The department is directed to communicate this order immediately to the learned Additional District Judge, Fast Track

Court No. 1 at Barasat, District- 24 Parganas (North) and the said Court, on receipt of such communication, shall expedite the transmission of the records of the said suit.

C.O. 1792 of 2018 is 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 party subject to compliance of all requisite formalities.

(Biswajit Basu, J.)