

20,Ct.18
22.09.2021
A.J.

C.O. 1734 of 2019
(Via Video Conference)

Smt. Sarbani Saha (Roy)
-Vs-
Sri Jibesh Kumar Saha

Mr. Mani Sankar Chattopadhyay.
... for the petitioner.

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

Mr. Chattopadhyay, learned advocate appearing on behalf of the petitioner files affidavit-of-service, which is taken on record.

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

The wife/respondent of the Matrimonial Suit No. 170 of 2018 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.

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

The petitioner by the present application is praying withdrawal of the said suit from the Court where it is now pending and transfer of it

to the Court of the learned District Judge, District 24-Parganas (South) at Alipore on the ground that she is residing at Baghajatin, P.S. Patuli, Kolkata with her minor daughter and she is also employed in the Department of Health, Government of West Bengal, as such, it would be very difficult for her to travel to Cooch Behar from her residence and contest the said matrimonial suit.

The petitioner, in view of the distance between her Cooch Behar and Alipore, is justified in pleading her inconvenience in attending the Court where the said matrimonial suit is now pending.

Let the Matrimonial Suit No. 170 of 2018 **(Sri Jibesh Kumar Saha vs. Smt. Sarbani Saha (Roy))** be withdrawn from the Court of learned District Judge, Cooch Behar and be transferred to the Court of learned District Judge, District 24-Parganas (South) at Alipore.

The said learned District Judge, on receipt of the records, may either keep the said suit in his own file or may transfer it to any Court competent to try and dispose of the said matrimonial suit under his Judgeship and the suit, thereafter, shall be proceeded with from the point at which it was withdrawn.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 Court of the learned District Judge, District 24-Parganas (South) at Alipore on **November 08, 2021.**

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

The department is directed to communicate this order immediately to the Court of the learned District Judge, Cooch Behar and the said Court, on receipt of such communication shall expedite the transmission of the records of the said suit.

C.O. 1734 of 2019 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 parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)