

16.08.2021
(S/L-27)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1290 of 2021

Piyali Nandi (Mondal)

-Vs-

Bijan Kumar Nandi

Mr. Shibaji Kumar Das,

Mr. Ahshan Ahmed,

..... For the petitioner.

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

Mr. Shibaji Kumar Das, learned advocate appearing on behalf of the petitioner files affidavit-of-service on behalf of the petitioner and submits that service in terms of the notice dated August 04, 2018 upon the opposite party has been effected, the said affidavit-of-service is taken on record.

The wife/respondent of the matrimonial suit being Matrimonial Suit No. 1873 of 2019 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 4th Court of learned Additional District Judge at Barasat, District-24 Parganas(North).

The petitioner by the present application is praying for withdrawal of the said suit from the said Court where it is now pending and for transfer of it to the Court of learned District Judge, Birbhum at Suri on the ground that she is a resident of Suri, as such, it would be very difficult for her to travel about 260 kilometers to attend the Court of learned Additional District Judge, at Barasat to contest the said suit.

The distance between the said two places certainly is a factor to be considered in allowing the prayer of the petitioner and the said factor weighs in favour of the petitioner.

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

Let records of the Matrimonial Suit No. 1873 of 2019 be withdrawn from the file of 4th Court of learned Additional District Judge at Barasat, District 24-Parganas (North) and be transferred to the Court of learned District Judge, Birbhum at Suri.

The learned District Judge, Birbhum at Suri shall either keep the said suit in his own file or may transfer it to any Court competent to try and dispose of the said suit under his judgeship.

The transferee Court shall proceed with the suit from the stage at which it has already reached.

C.O 1290 of 2021 is thus allowed without any order as to costs.

The department is directed to communicate this order immediately to the 4th Court of learned Additional District Judge at Barasat, District- 24 Parganas (North).

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.)