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C.O. 1783 of 2019

Smt. Sunita Srivastava (Roy)
Vs.
Sri Soumyajit Roy

Mr. Nirmalya Dasgupta
Mr. J. Patnaik
Mr. Dibanath Dey
...for the petitioner

Mr. Sujit Bhunia
Mr. Tanmoy Mukherjee
Mr. Gourab Ghosh
...for the opposite party

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

The petitioner is the respondent of the Matrimonial Suit No.294 of 2019 pending before 6th Court of the learned Additional District Judge at Paschim Medinipur.

The opposite party has filed the said suit praying that the marriage between the parties be annulled by a decree of nullity.

The petitioner is seeking 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 at Alipore District Court, 24 Parganas (South) on the ground that her stringent financial condition would not permit her to travel to Paschim Medinipur from Kolkata to contest the said suit.

Mr. Tanmoy Mukherjee, learned advocate appearing on behalf of the opposite party seriously disputes the claim of the petitioner that she has financial constraints in attending the said Court at Paschim Medinipur but considering the fact that the suit was filed in the year 2019 and contest to this application would result further delay in disposal of the said suit, his client is not objecting to the prayer of the petitioner for transfer of the said suit to the Alipore Court.

In view of such stand of the opposite party let the Matrimonial suit No. 294 of 2019 be withdrawn from the 6th Court of the learned Additional District Judge at Paschim Medinipur and be transferred to the Court of the learned District Judge at Alipore, 24 Parganas (South) who may keep the said suit either in his own file or may transfer it to any other Court under his Judgeship competent to try and dispose of the said suit.

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

The parties are directed to co-operate with the learned trial Judge for expeditious disposal of the said suit.

C.O. 1783 of 2019 is thus allowed with the above terms without any order as to costs.

Since no affidavit-in-opposition has been filed by the opposite party, allegations made in the application are deemed to have been admitted by him.

The Department is directed to communicate this order immediately to the 6th Court of the learned Additional District Judge at Paschim Medinipur.

Urgent photostat certified copy, if applied for, be supplied to the learned advocates for the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)