

(42)
23.09.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 1395 of 2021

Aditi Dhar (Guha)

-versus-

Sri Preetam Dhar

Mr. Dhananjay Nayak,
Mr. Debdas Khanna,
... for the petitioner.

Mr. Ujjal Datta,
Mr. Bodhisatta Basu, ... for the opposite party.

The wife/respondent in the Matrimonial Suit No. 1211 of 2020 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 8th Court of the learned Additional District Judge at Alipore, District-24 Parganas (South).

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 learned District Judge, Purba Burdwan inter alia, on the grounds that a suit for restitution of conjugal rights between the parties filed by the petitioner being Matrimonial Suit No. 407 of 2021 (*Smt. Aditi Dhar (Guha) vs. Sri Preetam Dhar*) is pending before the learned District Judge, Purba Burdwan and another proceeding

for maintenance being Misc. Case 368 of 2020 is also pending before the competent Criminal Court at Purba Burdwan.

Mr. Ujjal Dutta, learned counsel appearing for the opposite party submits that although the opposite party principally is not objecting the prayer of the petitioner but he is apprehensive about delay in disposal of the said suit.

Considering the grounds on which the withdrawal and transfer of the said suit has been prayed for, particularly when the opposite party is not objecting to the said prayer of the petitioner, this Court is of the opinion that the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 1211 of 2020 (***Sri Preetam Dhar vs. Smt. Aditi Dhar (Guha)***) be withdrawn from the 8th Court of the learned Additional District Judge at Alipore, District-24 Parganas (South) and be transferred to the Court of the learned District Judge, Purba Burdwan, who 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judgeship; and the said Court, after transfer, shall proceed to dispose of the said suit from the point at which it was withdrawn.

The parties are at liberty to apply before the learned District Judge, Purba Burdwan for analogous trial and disposal of both the matrimonial suits, if such application is made, the learned District Judge shall consider the same in accordance with law.

The parties are directed to co-operate with the Court for expeditious disposal of the said suits.

The department is directed to communicate this order immediately to the 8th Court of learned Additional District Judge at Alipore, District- 24 Parganas (South), and the said Court, on receipt of such communication, is requested to expedite the transmission of the records of the said suit to the Court of learned District Judge, Purba Burdwan.

Since no affidavit-in-opposition has been invited from the opposite party, the allegations made in the present application are deemed to have been denied by him.

C.O. 1395 of 2021 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 of all requisite formalities.

(Biswajit Basu, J.)