

11,Ct.18
23.09.2021
AJ.

C.O. 1968 of 2019
(Via Video Conference)

Firdousi Begum & Anr.
-Vs-
Samim Aktar & Anr.

Mr. Soumajit Das Mahapatra.
... for the petitioners.

Mr. Sharanya Chatterjee.
....for the opposite parties.

Affidavit-in-opposition filed on behalf of the
opposite party no.1 be kept with the record.

Since no affidavit-in-reply to the said
affidavit-in-opposition has been filed by the
petitioners, allegations made in the said affidavit-
in-opposition are deemed to have been denied by
them.

Leave is granted to Mr. Soumajit Das
Mahapatra, learned advocate appearing on
behalf of the petitioners to add left out proforma
defendant of the connected suit in the present
revisional application as opposite party by
amending the cause title, such amendment be
carried out by tomorrow.

The petitioners are the defendants of Title
Suit No.354 of 2018 pending before the 2nd Court
of the learned Civil Judge (Junior Division) at
Uluberia, District-Howrah.

The opposite party no.1 has filed the said
suit seeking a declaration that the marriage

between him and the petitioner no.1 is null and void.

The petitioner no.1, at the time of filing of the present application under Section 24 of the Code of Civil Procedure, was working as nurse at Gopiballavpur, District-Paschim Medinipur as such, by the present application, the petitioners have prayed for 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-Paschim Medinipur.

It is jointly submitted by learned advocate appearing on behalf of parties that since the petitioner no.1 is presently working at Kolkata National Medical College, the said suit may be transferred to any competent Court in and around Kolkata.

Considering the said submission of the learned advocate for the parties, let the Title Suit No. 354 of 2018 (***Samim Aktar vs. Firdousi Begum & ors.***) be withdrawn from the 2nd Court of the learned Civil Judge (Junior Division) at Uluberia, District-Howrah and be transferred to the Court of the learned District Judge at Alipore, District 24-Parganas(South) who, on receipt of the records of the said suit, shall transfer it to any Court competent to try and dispose of the said suit under his Judgeship at Kolkata.

The said suit, after transfer, shall be proceeded with from the point at which it was withdrawn.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 learned District Judge at Alipore, District 24-Parganas (South) **on November 15, 2021.**

The department is directed to communicate this order immediately to the 2nd Court of the learned Civil Judge (Junior Division) at Uluberia, District-Howrah and the said Court, on receipt of such communication, shall expedite the transmission of the records of the said suit.

C.O. 1968 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.)