

24,Ct.18  
22.09.2021  
AJ.

**C.O. 1983 of 2019**  
**(Via Video Conference)**

**Sharmita Samaddar (Ghosh)**  
**-Vs-**  
**Debashis Samaddar**

Mr. Dhananjoy Banerjee.  
... for the petitioner.

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

None appears on behalf of the  
husband/opposite party in spite of service.

The petitioner is the respondent of the  
Matrimonial Suit No. 25/382 of 2018 filed by the  
opposite party for dissolution of marriage  
between the parties by a decree of divorce.

The said matrimonial suit is pending  
before the learned Additional District Judge, Fast  
Track, Court-I, District- Purba Bardhaman.

The petitioner by the present application is  
praying withdrawal of the said suit and the misc.  
case thereto from the Court where it is now  
pending and transfer of it to the Court of learned  
Additional District Judge at Barrackpore,  
District- 24 Parganas (North) on the grounds  
that she is residing at Nona Chandanpukur, P.S.  
Titagarh, District 24-Parganas (North), as such,  
it would be very difficult for her to travel to  
Burdwan from her residence and contest the

said matrimonial suit. That apart, a proceeding for maintenance filed by the petitioner under Section 125 of the Code of Criminal Procedure, being Misc. Case No. 700 of 2018, is also pending before the Court of the learned Additional Chief Judicial Magistrate at Barrackpore, District 24-Parganas (North), which the husband/opposite party is contesting.

In view of the distance between Burdwan and Barrackpore, the petitioner is justified in pleading inconvenience in attending and contesting the said matrimonial suit at Burdwan. Moreover, all pending proceedings between the parties should be brought at one place to avoid unnecessary expenses and inconvenience of the parties. The prayer of the petitioner, therefore, deserves to be allowed.

Let the Matrimonial Suit No. 25/382 of 2018 (***Debashis Samaddar vs. Sharmita Samaddar (Ghosh)***) along with the connected **Misc. Case. No. 03 of 2019** be withdrawn from the Court of learned Additional District Judge, Fast Track, Court-I District-Purba Bardhaman and be transferred to the Court of learned District Judge, District-24-Parganas (North) at Barasat.

The said learned District Judge, on receipt

of the said records, shall transfer the said matrimonial suit and the said misc. case to any court competent to try and dispose of the said proceedings under his Judgeship at Barrackpore, the said suit and the said Misc. case, thereafter, shall be proceeded with from the point at which it was withdrawn.

Irrespective of transmission of the records of the said matrimonial suit and the connected Misc. case, the parties, upon production of a server copy of this order, shall appear before the Court of learned District Judge, District-24-Parganas (North) at Barasat 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 Additional District Judge, Fast Track, Court-I, District- Purba Bardhaman.

C.O. 1983 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. )**

