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SK
Ct. No. 18
08.09.2021

C.O. No. 2488 of 2018
(Via Video Conference)
Smt. Ankita Mondal (Giri)
Vs.
Shri Goutam Kumar Giri

Mr. Amitabha Ghosh,
Sk. Sujauddin ... For the petitioner.
Mr. Amitabha Ghosh, learned advocate appears on behalf of the petitioner and files affidavit-of-service, which is taken on record, he undertakes to file another affidavit-of-service in course of this day in compliance with the order dated August 13, 2021.

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

The wife/ respondent of the Matrimonial Suit No. 86 of 2017 filed by the husband/opposite party seeking restitution of conjugal rights between the parties is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The said suit is pending before the learned Additional District Judge, Fast Track, Court No. 1 at Contai, District – Purba Medinipur.

The petitioner by the present application is seeking withdrawal of the said suit from the Court where it is now pending and for transfer of it to the Court of learned District Judge at Barasat, District – 24 Parganas (North) on the ground that she is a teacher of Bagbazar High School and is residing in Bajitpur at Baduria, District. 24 Parganas (North) with her minor son, as such, it would be difficult for her to travel from her residence to Contai District-Purba Medinipur to contest the said matrimonial suit.

The petitioner, in view of the distance between her residence and the said Court, is justified in pleading inconvenience in attending the Court where the said matrimonial suit is now pending. The prayer of the petitioner, therefore, deserves to be allowed.

Let the Matrimonial Suit No. 86 of 2017 be withdrawn from the Court of learned Additional District Judge, Fast Track, Court No. 1 at Contai, District – Purba Medinipur and be transferred to the Court of the learned District Judge at Barasat, District – 24 Parganas (North), who may either keep the said suit 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 to dispose of the said suit from the stage where it has already reached.

The department is directed to communicate this order immediately to the aforesaid Court of learned Additional District Judge, Fast Track, Court No. 1 at Contai, District – Purba Medinipur.

C.O. 2488 of 2018 is thus disposed of 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.)