

29.09.2021
(S/L-18)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 2660 of 2019

Arpita Mukherjee @ Arpita Mukharjee
-Vs-
Sri Mrityunjoy Mukherjee

Mr. Devranjan Das,
..... For the petitioner.
Mr. Suknata Das,
... For the Opposite Party.

The father of two minors, the opposite party herein has filed an application under Section 25 of the Guardians and Wards Act, 1890. The said application has been registered before the learned District Judge, Paschim Medinipur being Act VIII Case No. 34 of 2018.

The petitioner is the mother of the said children, she by the present application under Section 24 of the Code of Civil Procedure is praying withdrawal of the said proceeding from the Court where it is now pending and transfer of it to the Court of learned Additional District Judge, Purba Medinipur, on the ground that she is residing at Contai, Purba Medinipur with her said minor sons, as such, it would be difficult for her to travel to the Court of learned District Judge Paschim Medinipur from her residence to contest the said proceeding.

In view of the distance between Contai and Paschim Medinipur the inconvenience pleaded by

the petitioner cannot be ruled out, that apart, the children since are residing with the mother within the jurisdiction of the learned District Judge, Purba Medinipur, the application under the provisions of Guardian and Wards Act, 1890 for custody of the said two minors should have been filed within the jurisdiction of the learned District Judge Purba Medinipur.

The prayer of the petitioner therefore, deserves to be allowed.

Let the Act VIII Case No. 34 of 2018 (**Sri Mrityunjoy Mukherjee vs. Arpita Mukharjee**) be withdrawn from the Court of learned District Judge, Paschim Medinipur and be transferred to the Court of learned District Judge, Purba Medinipur, who shall on receipt of the records of the said proceeding shall transfer it to any Court competent to try and dispose of the said proceeding under his judgeship at Contai.

The said proceeding, after transfer, shall be proceeded with from the point at which it was withdrawn.

Irrespective of transmission of the records of the said case, the parties are directed to appear before the Court of learned District Judge, Purba Medinipur on **November 15, 2021** upon production of the server copy of this order. The learned District Judge, Purba Medinipur is requested to act on such communication.

C.O. 2660 of 2019 is allowed with the above terms without any order as to costs.

The department is directed to communicate this order immediately to the learned District Judge, Paschim Medinipur and the said Court, upon such communication, shall expedite the transmission of the records of the said case.

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.)