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SK
Ct. No. 18
14.09.2021

C.O. No. 3006 of 2019
CAN 1 of 2019 (Old No : CAN 10600 of 2019)
(Via Video Conference)

Mousumi Mukherjee (Chatterjee)
Vs.
Samapta Mukherjee

Mr. Samiran Mandal,
Mr. Abhinaba Dan ... For the petitioner.

Mr. Monish Sen ... For the opposite party.

Mr. Samiran Mandal, learned advocate for the petitioner files affidavit-in-reply, which is taken on record.

The wife/respondent of the matrimonial suit being Matrimonial Suit No. 371 of 2019 pending before the 2nd Court of learned Additional District Judge at Durgapur, District – Paschim Bardhaman is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The petitioner 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 at Bankura.

Mr. Monish Sen, learned counsel appearing on behalf of the opposite party submits that although he has filed an affidavit-in-opposition to the said application but he has specific instruction of his client not to oppose the prayer of the petitioner. Mr. Sen however prays that the disposal of the said matrimonial suit may be expedited.

In view of such stand of the opposite party, let the Matrimonial Suit No. 371 of 2019(**Mr. Samapti Mukherjee vs. Mousumi Mukherjee**) be withdrawn from the 2nd Court

of learned Additional District Judge at Durgapur, District – Paschim Bardhaman and be transferred to the Court of learned District Judge, Bankura, who may either keep the said suit in his own file or may transfer the same to any Court under his Judgeship competent to try and dispose of the said suit.

The transferee Court, subject to payment of regular alimony pendente lite, shall proceed to dispose of the said suit expeditiously in accordance with law from the stage where it has already reached.

The parties shall appear before the transferee Court on **September 30, 2021** on production of the copy of this order without waiting for the transmission of the records of the said matrimonial suit to the said Court.

The department is directed to communicate this order immediately to the 2nd Court of learned Additional District Judge at Durgapur, District – Paschim Bardhaman.

C.O. 3006 of 2019 is allowed with the above terms without any order as to costs.

In view of disposal of the main application, the application for extension of interim order being CAN 1 of 2019 (Old No: CAN 10600 of 2019) loses its importance and is also disposed of accordingly.

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.)