

35,Ct.18
22.09.2021
AJ.

C.O. 3202 of 2019
I.A. No: C.A.N. 1 of 2019 (C.A.N. 10875 of 2019)
(Via Video Conference)

Priyanka Singha Roy
-Vs-
Suprotim Roy

Mr. Tauhid Khan,
Mr. Sirsendu Sinha Roy,
Mr. M. Mondal.
... for the petitioner.

None appears on behalf of the
husband/opposite party.

The wife/respondent in the Matrimonial Suit
No. 58 of 2019 filed by the husband/opposite party
for decree of 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 matrimonial suit is pending before
the learned Additional District Judge at Rampurhat,
District-Birbhum.

The petitioner by the present application 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, District-Hooghly at
Chinsurah, inter alia, on the grounds that she is
residing at Dwarhatta, P.S. Haripal, District-Hooghly
along with her two daughters, as such, it would be
very difficult for her to travel to Rampurhat from her
residence and contest the said matrimonial suit; and
a criminal proceeding under Section 498A of the
Code of Criminal Procedure filed by the petitioner is
pending before the competent criminal Court at

Chandannagore, District-Hooghly, moreover, a proceeding for maintenance filed by the petitioner under Section 125 of the Code of Criminal Procedure being Misc. No. 17/18 is also pending before the 3rd Court of learned Judicial Magistrate, District-Hooghly, which the husband/opposite party is contesting.

In view of the distance between Rampurhat and Hooghly, the petitioner is justified in pleading inconvenience in attending the said Court at Rampurhat where the said matrimonial suit is now pending, that apart, all the proceedings between the parties is required to be brought at one place to avoid unnecessary expenses and inconvenience of the parties, therefore, the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 58 of 2019 (***Supratim Roy vs. Priyanka Singha Roy***) be withdrawn from the Court of the learned Additional District Judge at Rampurhat, District- Birbhum and be transferred to the Court of learned District Judge, District- Hooghly at Chinsurah, who may either keep the said suit in his own file or may transfer it to any Court under his Judgeship competent to try and dispose of the said matrimonial suit.

The said suit, after transfer, shall proceed from the point at which it was withdrawn.

Irrespective of transmission of the records the said matrimonial suit, the parties, upon production of server copy of this order, shall appear before the

learned District Judge, District- Hooghly at Chinsurah 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 learned Additional District Judge at Rampurhat, District-Birbhum.

C.O. 3202 of 2019 is thus, 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.)