

16.09.2021
(S/L-23)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 3294 of 2019

Somashree Nemu (Dey)
-Vs-
Sukanta Nemu

Mr. Suddhadev Adak,
..... For the petitioner.

The office report indicates that the service of notice of the present application under Section 24 of the Code of Civil Procedure has been effected upon the opposite party.

Mr. Suddhadev Adak, learned advocate for the petitioner, in addition to the above, files affidavit-of-service evidencing fresh service of notice upon the said opposite party, which is taken on record.

Despite repeated service, none appears on behalf of the opposite party.

The wife/respondent of the Matrimonial Suit No. 198 of 2019 filed by the husband/opposite party for dissolution of the marriage between the parties by a decree of divorce is the petitioner of the present application.

The said matrimonial suit is pending before the 2nd Court of learned Additional District Judge at Bongaon, District- 24-Parganas (North).

The petitioner by the present application is praying withdrawal of the said matrimonial suit from the Court where it is now pending and transfer of it to any Court competent to try and dispose of the said suit at Arambagh under the Judgeship of learned District Judge at Hooghly on the ground that she is residing in her paternal house along with her minor son at Goghat in Arambagh, District- Hooghly, as such, it would be very difficult for her to travel to Bongaon from her residence and contest the said matrimonial suit.

In view of the distance between Arambagh and Bongaon, inconvenience pleaded by the petitioner in attending and contesting the said suit at Bongaon cannot be ruled out. The prayer of the petitioner, therefore, deserves to be allowed.

Let the Matrimonial Suit No. 198 of 2019 (***Sri Sukanta Nemu vs. Smt. Somashree Nemu(Dey)***) be withdrawn from the 2nd Court of learned Additional District Judge at Bongaon and be transferred to the court of learned District Judge, Hooghly at Chinsurah, who shall transfer the said suit to any Court under his Judgeship competent to try and dispose of the said suit at Arambagh.

The said suit, after transfer, shall be proceeded from the point at which it was withdrawn and transferred.

The petitioner shall communicate this order to the opposite party within a week from date.

Irrespective of transmission of the records of the said matrimonial suit, the parties shall appear before the learned District Judge, Hooghly **on September 30, 2021** on production of the server copy of this order.

The learned District Judge, Hooghly is requested to act on such communication.

C.O. 3294 of 2019 is thus, allowed with the above terms without any order as to costs.

The department is directed to communicate this order immediately to the 2nd Court of learned Additional District Judge at Bongaon, District-24-Parganas (North).

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.)