

16.09.2021
(S/L-32)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 3737 of 2019

Smt. Babita Dey
-Vs-
Sri Joydev Dey

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey,
..... For the petitioner.

The opposite party is unrepresented in spite of service.

The wife/respondent of the Matrimonial Suit No. 523 of 2019 filed by the husband/opposite party seeking a decree for restitution of conjugal rights of 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 1st Court of learned Additional District Judge at Paschim Medinipur.

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 at Barasat, District 24-Parganas (North) on the ground that she is residing at Barasat, District 24-Parganas (North) as such, it would be difficult for her to travel to Paschim Medinipur from her residence and contest the said matrimonial suit.

That apart, a proceeding between the parties for maintenance filed by the petitioner is pending before the competent Criminal Court at Barasat, which the opposite party is contesting regularly.

In view of the distance between Barasat and Paschim Medinipur, inconvenience pleaded by the petitioner in attending and contesting the said suit at Paschim Medinipur cannot be ruled out; that apart, all pending proceedings between the parties are required to be brought to one place to avoid inconvenience and unnecessary expenses of the parties, therefore, the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 523 of 2019 (***Sri Joydev Dey vs. Smt. Babita Dey***) be withdrawn from the 1st Court of learned Additional District Judge at Paschim Medinipur and be transferred to the Court of learned District Judge at Barasat, District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 court under his judgeship competent to try and dispose of the said suit.

The said suit, after transfer, shall be proceeded with from the point at which it was withdrawn and transferred.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 Court of District Judge, Barasat, District 24-Parganas (North) **on September 30, 2021** on production of the server copy of this order.

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

C.O. 3737 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 1st Court of learned Additional District Judge at Paschim Medinipur.

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.)