

14.09.2021
(S/L-55)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 3923 of 2019

Smt. Anindita Nandi (Sar)
-Vs-
Sri Debdeep Nandi

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sanker Chatterjee,
Mr. Pronay Basu,
..... For the petitioner.

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh,
..... For the Opposite Party.

Affidavit-of-service filed on behalf of the petitioner in Court today, be kept with the record.

The wife/respondent of the Matrimonial Suit No. 2078 of 2018 filed by the husband/opposite party 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 learned District Judge, Fast Track- 3rd Court at Barrackpore, District 24-Pargans (North).

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, Purba Bardhaman on the ground that she is residing at

Kalnagate, Purba Bardhaman, as such, it would be very difficult for her to travel to Barrackpore from her residence to contest the said suit.

The other ground on which such withdrawal and transfer have been prayed for is that other criminal proceedings between the parties are pending before the respective criminal courts at Purba Bardhaman.

In view of the distance between Kalnagate and Barrackpore, the inconvenience pleaded by the petitioner in attending and contesting the said matrimonial suit at Barrackpore cannot be ruled out, that apart, all pending proceedings between the parties should 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Let MAT Suit No. 2078 of 2018 (**Debdip Nandi vs. Anindita Nandi**) be withdrawn from the Court of learned District Judge, Fast Track 3rd Court, Barrackpore, District 24-Pargans (North) and be transferred to the Court of learned District Judge, Purba Bardhaman, who may either keep the said suit in his own file or may transfer the same to any other Court under his Judgeship competent to try and dispose of the said suit.

The transferee Court shall proceed to dispose of the said suit from the stage where it has already reached.

The opposite party is at liberty to apply before the transferee Court for fixing the dates in the said matrimonial suit in consonance with the dates to be fixed in the pending criminal cases between the parties. The transferee Court shall consider such prayer of the opposite party according to his convenience.

The parties shall appear before the learned District Judge, Purba Bardhaman on September 30, 2021 upon production of the server copy of this order, irrespective of transmission of the records of the said matrimonial suit to the said Court.

The transferee Court shall make all endeavour to dispose of the said suit expeditiously in accordance with law.

C.O. 3923 of 2019 is disposed 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.)