

(11)
10.09.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 3141 of 2013

**Kuntala Sengupta
-versus-
Asish Sengupta**

Mr. Vivekanda Bose,

... for the petitioner.

Mr. Vivekanda Bose, learned counsel appearing for the petitioner, submits that service as directed by the order dated August 03, 2021 was sought to be effected upon the opposite party but the postal article has returned with the endorsement "Unclaimed", he files two affidavits-of-service which are taken on record. The service is treated to be good service.

The petitioner/wife of the present application under Section 24 of the Code of Civil Procedure is the respondent of the Matrimonial Suit No. 160 of 2011 filed by opposite party/husband for dissolution of marriage between the parties by a decree of divorce.

The said matrimonial suit is pending before the 9th Court of learned Additional District Judge at Alipore, District-24 Parganas(South).

The petitioner by the present application is praying withdrawal of the said suit from the said Court and transfer of it to the Court of the learned District Judge at Dakshin Dinajpur on the ground that she is a resident of Dakshin

Dinajpur and is working as a teacher there, as such it would be difficult for her to travel from her residence to Alipore to contest the said suit.

In view of the distance between Dakshin Dinajpur and Alipore, the inconvenience pleaded by the petitioner cannot be ruled out, therefore, the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 160 of 2011 be withdrawn from the 9th Court of the learned Additional District Judge at Alipore, District -24 Parganas (South) and be transferred to the Court of the learned District Judge at Dakshin Dinajpur 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 transferee Court shall proceed with the said suit from the stage where it has already reached.

The department is directed to communicate this order immediately to the 9th Court of learned Additional District Judge at Alipore, 24 Parganas (South).

C.O. 3141 of 2013 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 party subject to compliance of all requisite formalities.

(Biswajit Basu, J.)