

17.08.2021
(S/L-24)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 4442 of 2019

Sonali Bauri (Dolui)

-Vs-

Sushanta Dolui

Mr. Soumik Ganguli,

Mr. Sayan Roy,

..... For the Petitioner.

This is an application under Section 24 of the Code of Civil Procedure.

Mr. Soumik Ganguli, learned advocate appearing on behalf of the petitioner files affidavit-of-service, which is taken on record.

None appears on behalf of the opposite party either virtually or physically on call inspite of service.

The wife/respondent of the matrimonial suit being Matrimonial Suit No. 249 of 2019 filed by the husband/opposite party for dissolution of marriage between the parties by a decree of divorce is the petitioner of the present application.

The said matrimonial suit is pending before the learned Additional District Judge at Ghatal, Paschim Medinipur.

The petitioner by the present application is seeking withdrawal of the said suit from the

Court where it is now pending and for transfer of it to the Court of learned District Judge, Bankura on the ground that she is residing at Birpara, District-Bankura, her paternal house with her minor daughter as such, it would be very difficult for her to travel a distance of about 130 km to attend the Court of Additional District Judge at Ghatal, Paschim Medinipur and contest the said matrimonial suit.

Another ground on which such withdrawal and transfer has been prayed for is that the proceeding for maintenance under the Domestic Violence Act, 2005 and appeal therefrom are pending at Bankura Court, in which the husband/opposite party has entered appearance and is contesting.

The distance between Birpara and Ghatal is certainly a factor to be considered in dealing with the prayer of the petitioner and the said factor weighs in favour of the petitioner; that apart, all pending proceedings between the parties are required to be brought at one place to avoid unnecessary expenses and inconvenience of the parties.

In view of the discussion made above, this Court is of the opinion that the prayer of the petitioner deserves to be allowed.

Let the records of the Matrimonial Suit No. 249 of 2019 be withdrawn from the file of the learned Additional District Judge at Ghatal, Paschim Medinipur and be transferred to the Court of learned District Judge at Bankura for trial and disposal.

The learned District Judge at Bankura shall either keep the said suit in his own file or may transfer it to any other Court competent to try and dispose of the said suit under his Judgeship.

The transferee Court shall proceed with the suit from the stage at which it has reached.

C.O. 4442 of 2019 is thus allowed without any order as to costs.

The department is directed to communicate this order immediately to the Court of Additional District Judge at Ghatal, 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.)