

19.08.2021
(S/L-15)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 4002 of 2017

Piyali Banerjee (Roy)
-Vs-
Abhishek Roy

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha,
..... For the Petitioner.

Ms. Snigdha Saha, learned advocate appears on behalf of the petitioner and files affidavits-of-service, which are taken on record.

The opposite party is not represented in spite of service.

The wife/respondent of the matrimonial suit being Matrimonial Suit No. 1576 of 2017 filed by the husband/opposite party seeking decree of judicial separation of the parties under Section 10 of the Hindu Marriage Act, 1955 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, Barrackpore, District 24-Parganas (North).

The petitioner by the present application is praying for 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 Burdwan for trial and disposal on the ground that the petitioner resides at Khoshbagan, Burdwan and has no independent source of her income, as such, it would be very difficult for her to travel alone from her residence to attend the Court of learned Additional District Judge at Barrackpore and contest the said matrimonial suit.

The said ground is a credible ground to allow the prayer of the petitioner.

The other ground on which such withdrawal and transfer of the said suit has been prayed for is the pendency of maintenance proceedings under Section 125 CrPC and criminal proceedings under Section 498A IPC between the parties before the respective Criminal Courts at Purba Burdwan.

The said ground is also persuasive since all litigations between the parties should be brought at one place to avoid unnecessary expenses and inconvenience.

Therefore, this Court considering the cumulative effect of the aforesaid grounds, is of the opinion that the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit No. 1576 of 2017 be withdrawn from the file of the learned

Additional District Judge at Barrackpore, District 24-Parganas (North) and be transferred to the Court of learned District Judge at Burdwan.

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

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

C.O. 4002 of 2019 is thus allowed 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 Barrackpore, 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.)