

17,DL,Ct.18
10.09.2021
AJ.

C.O. 1301 of 2020

(Through Video Conference)

**Priyanka Ghosh @ Priyanka Roy Choudhury
-Vs-
Subhendu Ray Chaudhuri @ Roy Choudhury**

Mr. Subir Banerjee,
Mr. Ayan Dutta,
Ms. Mumpy Singha.
... for the petitioner.
Mr. Bhaskar Roy,
Ms. Jeenia Rudra,
... for the opposite party.

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

Leave is granted to Mr. Subir Banerjee, learned advocate for the petitioner to correct the prayer portion of the application.

The wife/respondent of the Matrimonial Suit No. 115 of 2019 filed by the husband/opposite party for dissolution of marriage between the parties by a decree of divorce, pending before the learned Additional District Judge, Gangarampore at Buniadpur, District-Dakshin Dinajpur, is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

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 the learned District Judge at Darjeeling on the ground that she resides in Darjeeling, as such it would be difficult for her to travel from her residence to Buniadpur to contest the said matrimonial suit.

In view of the distance between Darjeeling and Buniadpur, 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Let the Matrimonial Suit No.115 of 2019 be withdrawn from the Court of the learned Additional District Judge, Gangarampore at Buniadpur, District-Dakshin Dinajpur and be transferred to the Court of the learned District Judge at Darjeeling, 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 to dispose of the said suit from the stage where it has already reached. The transferee Court shall expedite the disposal of the said suit in accordance with law.

The department is directed to communicate this order immediately to the learned Additional District Judge, Gangarampore at Buniadpur, District-Dakshin Dinajpur.

Since no affidavit-in-opposition has been invited from the husband/opposite party, the allegations made in the application are deemed to have been denied by him.

C.O. 1301 of 2020 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 parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)