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Ct. 18
30.09.2021

**C.O. No. 1432 of 2020
(Via Video Conference)**

**Smt. Subarna Ghosh (Nee Thakur)
Vs.
Sri Santanu Ghosh & Anr.**

Mr. Souradipta Banerjee,
Mr. Subhojit Mullick,
Ms. Fatima Hassan ... For the petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha,
Mr. Pronay Basak ... For the opposite parties.

The mother of the minor daughter of the parties is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The petitioner is praying that a proceeding under Section 25 of the Guardian and Wards Act, 1890 initiated by the father of the said minor, the opposite party no. 1 herein be withdrawn from the Court of learned District Judge at Alipore, District – 24 Parganas (South) and be transferred to the Court of learned Principal Judge, Family Court at Calcutta on the ground that the child is residing within the jurisdiction of the said Principal Judge.

A proceeding under the provisions of the Guardian and Wards Act, 1890 in terms of Section 9 thereof in respect of the guardianship of the person of the minor

shall be made to the District Judge having jurisdiction in the place where the minor ordinarily resides. The minor admittedly is residing with the petitioner within the jurisdiction of the Family Court at Calcutta, therefore the prayer of the petitioner deserves to be allowed.

Let the Act VIII Case No. 66 of 2020 be withdrawn from the Court of learned District Judge at Alipore, District – 24 Parganas (South) and be transferred to the Court of learned Principal Judge, Family Court at Calcutta for trial and disposal. The said proceeding after transfer shall be proceeded with from the point at which it was withdrawn.

The learned Principal Judge, Family Court at Calcutta is requested to expedite the disposal of the said proceeding.

Since no affidavit has been invited from the father/opposite party no. 1, the allegations made in the application are deemed to have been denied by him.

C.O. 1432 of 2020 is disposed of 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.)

