

Ct. 9
Item No.23
04.02.2021
(suvendu)

CO 1541 of 2020

(Via Video Conference)

Moumita Pramanick (Chowdhury)
Vs.
Somenath Pramanick

Mr. P.R.Mitra
.....for the petitioner

Affidavit of service filed in Court today with the track report shows that the item deliveries seen confirmed.

None appears for the opposite party and thus, the matter is taken up *ex parte*.

This is an application for transfer of Matrimonial Suit No. 303 of 2020 from the court of the learned Additional District Judge, Ranaghat, Nadia to the learned District Judge, Howrah.

It is submitted on behalf of the petitioner that initially a Matrimonial Suit, being MAT Suit No. 52 of 2018, was filed by the opposite party/husband for restitution of conjugal rights in the Court of the learned Additional District Judge, Fast Track Court, Ranaghat, Nadia and the same was transferred to the Court of the learned District Judge, Howrah by an order of this Court dated 14th September, 2018 at the instance of the petitioner/wife upon filing of an application under Section 24 of the Code of Civil Procedure. That Matrimonial Suit

now has been assigned to the learned Additional District Judge, 2nd Court at Howrah. It is submitted that the said Matrimonial Suit has been renumbered as MAT 109 of 2019 and the petitioner is contesting the suit by filing written statements.

The opposite party/husband has filed another Matrimonial Suit, being MAT 303 of 2020, in the Court of the learned Additional District Judge, Ranaghat for decree of divorce which should be heard analogously by the same court as the issue between the parties is same and can be decided by common judgment.

It is also pointed out that a Misc. Case under Section 125 of the Code of Criminal Procedure and a criminal case alleging offences under Sections 3 and 4 of the Dowry prohibition Act, 1961 and offences under Sections 34, 120B and 426 of the Indian Penal Code against the husband/opposite party are also pending in Howrah Court and the said cases are being contested by the husband/opposite party.

Accordingly, the petitioner/wife has sought for transfer of the MAT Suit 303 of 2020 from the court of the learned Additional District Judge, Ranaghat, Nadia to the learned District Judge, Howrah, inter alia, on the grounds that the previous suit for restitution of conjugal rights is pending before the Howrah Court.

Upon hearing the learned counsel for the petitioner and considering the contentions that in both the suits the issues between the parties are inter-linked, let the Matrimonial Suit No. 303 of 2020 be withdrawn and

transferred from the court of the learned Additional District Judge, Ranaghat, Nadia to the learned District Judge, Howrah. The learned District Judge, Howrah, on receipt of the record would, in turn, transfer the said case record to the Court of the learned Additional District Judge, 2nd Court at Howrah where the previous suit for restitution of conjugal rights is pending for trial.

Let a copy of this order be communicated to the learned District Judge, Nadia and the learned District Judge, Howrah for taking necessary steps in terms of the above.

With the above directions, CO 1541 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Shivakant Prasad, J.)