

Ct. 13.6
No. 2022
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C.O. 176 of 2022
With
C.A.N. 1 of 2022
Smt. Lakshmi Shakhari nee Maity
-Versus-
Sri Ujjal Shakari

Mr. Amitava Ghosh

...For the Petitioner

Affidavit-of-service filed by the petitioner be kept on record.

Despite service of notice there is no representation on the part of the opposite party.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of a Matrimonial Suit from the Court of the learned Additional District Judge, Basirhat, North 24-Parganas to the concerned Court at Serampore, Hooghly.

It is stated by the petitioner, Smt. Lakshmi Shakhari nee Maity that her marriage with the opposite party was solemnized on February 08, 2012 and the marriage was registered under the Special Marriage Act, 1954. After their marriage, they live together as husband and wife and their marriage was duly consummated. Out of her wedlock with the opposite party she gave birth to a male child namely, Abhirup Shakari, who at the time filing this revisional application was aged about 7 years and studying in Class II.

After her marriage with the opposite party, the opposite party subjected her to cruelty both physically and mentally. Ultimately, the opposite party turned the petitioner with her child out of his house on December 06, 2016. Having no other alternative, she had to take shelter at her parental house. Now, the petitioner with her child is passing her days in financial hardship.

The opposite party, in order to harass the petitioner, has filed a matrimonial suit, being No. 386 of 2021 in the Court of the learned Additional District Judge, Basirhat, North 24-Parganas. The distance between her parental Home and the Court at Basirhat, North 24-Parganas is about 102 kms. To attend the Court at Basirhat come back home therefrom it will take at least 7 hours. It will be difficult for the petitioner to attend the matrimonial proceeding before the Court at Basirhat to travelling such a long distance from her parental home.

Under the aforesaid circumstances, the petitioner prays for transfer of the matrimonial suit to the concerned Court at Serampore, Hooghly.

In absence of the opposite party despite service of notice upon him, it will be deemed that the facts and circumstances as narrated in the application remain uncontroverted.

Having heard the learned Counsel appearing for the petitioner and considering the facts and circumstances as stated in the application I think that it will be wise if the aforesaid matrimonial suit is withdrawn from the Court of the learned Additional District Judge, Basirhat, North 24-Parganas and transfer the suit to the Court of the learned Additional District Judge, 1st Court, Serampore, Hooghly.

In view of the, the instant revisional application is allowed.

Let the matrimonial suit being No. 386 of 2021 pending in the Court of the learned Additional District Judge, Basirhat, North 24-Parganas be withdrawn and the suit be transferred to the Court of the learned Additional

District Judge, 1st Court, Serampore, Hooghly for disposal.

The learned Additional District Judge, Basirhat, North 24-Parganas is directed to transmit the case record of the matrimonial suit forthwith on receipt of copy of this order.

The transferee Court is requested to dispose of the matrimonial suit as expeditiously as possible.

With the aforesaid direction C.O. No. 176 of 2022 stands disposed of. The application, being CAN 1 of 2022 also stands disposed of.

There will, however, be no order as to costs.

Let a copy of this order be communicated to both the Courts below for information and compliance.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis upon compliance of all formalities.

(Rabindranath Samanta, J.)