

21.11.2022
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Ct. no. 652
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C.O. 366 of 2020

Smt. Arkabrati Singha (Neogi)
Vs.
Sri Soujit Singha

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee ...for the petitioner

Mr. Tapash Kr. Bhattacharya
Mr. Aviroop Bhattacharya
Mr. Bishnu Prosad Singha Roy
...for the opposite party

This is an application under Section 24 the Civil Procedure Code seeking transfer of Matrimonial suit no. 250 of 2019 pending before the learned District Judge, Jalpaiguri to the court of the learned District & Sessions Judge, Barasat, North 24 parganas.

The petitioner contended that the marriage between the parties was solemnised on 20.1.2000. The petitioner contended that the opposite party is a practising lawyer at Jalpaiguri court and hails from influential family. Due to said wedlock, two sons were born and the elder son is residing with the petitioner and the younger son is residing with the opposite party. The opposite party suddenly filed the aforesaid matrimonial suit for dissolution of marriage in the Jalpaiguri court where he is practising. The petitioner further submits that she is a Judicial officer and now posted at

Krishnagar. She further submits that in order to contest the said suit at Jalpaiguri, she will have to make overnight journey. She has no accommodation of her own at Jalpaiguri. Moreover, the opposite party is a lawyer of Jalpaiguri court and as such it would be very difficult for the petitioner to seek legal help therein and the petitioner had faced similar situation while contesting one previous application under Guardians and Wards Act at Jalpaiguri. Accordingly, the petitioner has prayed for aforesaid transfer.

Learned counsel for the opposite party Mr. Bhattacharya in his usual fairness submits that the petitioner has objection only in respect of trial of that suit at Jalpaiguri court and the petitioner is now posted at Krishnagar court then, the suit may be transferred to a court in between the two places so that neither party will have a cause to prejudice. Having considered the facts and circumstances of the case and that the distance involved between the present posting of the petitioner and the Jalpaiguri court and that the opposite party is a practising advocate of Jalpaiguri court, I am of the considered view that if the matrimonial suit is transferred from Jalpaiguri court to the court at Malda, neither party will have a cause to prejudice.

Accordingly, learned District Judge, Jalpaiguri is directed to withdraw the Matrimonial suit no. 250 of 2019 pending before the learned District Judge,

Jalpaiguri and to transmit the same to the court of learned District Judge, Malda within a period of four weeks from the date of communication of the order.

Learned District Judge, Malda is further directed to serve a fresh notice upon both the parties intimating the next date of hearing before proceeding further with the suit.

The department is directed to send a copy of the order to the learned District Judge, Jalpaiguri and learned District Judge, Malda.

The transferee court is requested to make every endeavour to dispose of the matrimonial suit as expeditiously as possible preferably within a period of one year from the date of communication of the order.

Accordingly, C.O. 366 of 2020 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)