

02.05.2022  
Ct. 21  
30  
AGM/RKB

**C.O. 303 of 2022**

**Dr. Monalisa Basu (Jana)**

**-Vs-**

**Dr. Prianka Jana**

Mr. Bidyut Kumar Halder,

... for the petitioner

Parties are represented by their lawyers.

By filing the present application under Section 24 of the Code of Civil Procedure the wife petitioner has sought transfer of Divorce suit filed by the husband being No. 50 of 2021, at present pending before the Family Court Calcutta to the Court of learned District Judge, Purba Bardhaman under which the petitioner resides.

On the other hand learned lawyer for the opposite party raises objection and submits that though petitioner is a resident of Burdwan at present but she practices at Khardah and produces a xerox copy of prescription dated 8.2.2022 along with one undelivered envelope address to petitioner with postal endorsement unclaimed. He submits if she can come to Khardah, North 24 Parganas for her practice then she will not

face any inconvenience in attending court at Alipore. Thus, he prays for rejection of the application under section 24 CPC.

Learned lawyer for the petitioner further submits that petitioner has already initiated a proceeding under Section 498A of the Cr.P.C. against the husband/opposite party and which is pending in the Court of CJM, Purba Burdhaman. The husband has to attend the Court at Purba Bardhaman in connection with such criminal case pending against him and it would not cause any hardship if the divorce suit filed by him is also transferred to the Court of learned District Judge, Purba Bardhaman.

Considering the convenience and inconvenience of the parties and the fact a criminal case is pending against the husband in the Court of CJM, Purba Bardhaman and the petitioner is residing at her paternal house in Purba Bardhaman after separation from husband and to do equity the matrimonial suit No. 50 of 2021 is hereby withdrawn from the family court, Kolkata and transferred to the Court of District Judge at Purba Bardhaman.

Learned of District Judge at Purba Bardhaman may keep the record in his/her own file and may transfer the same to any other Court under his/her Judgeship competent to try and dispose of the said suit.

The learned Family Court, Calcutta shall transfer the records of Matrimonial Suit No. 50 of 2021 to the Court of learned of District Judge at Purba Bardhaman, within a period of 30 days from the date of communication of this order.

The parties shall appear before the District Judge at Purba Bardhaman on 06.06.2022 irrespective of transfer of the records of the said matrimonial suit but only on the basis of server copy of this order. The learned Family Court, Calcutta, shall act on such communication.

The transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached.

The transferee Court is further requested to expedite disposal of the said suit in accordance with law.

Accordingly **C.O.303 of 2022 is disposed of.**

Connected applications are disposed of.

Interim order, if any, stands discharged.

There will be no order as to cost.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

**(Kesang Doma Bhutia, J.)**