

31.03.2022
Ct. 21
D/L 13
ab

C.O. 376 of 2022

Smt. Papiya Chakraborty

-Vs-

Biswajit Chakraborty

Mr. Surajit Basu,
Mr. Debojit Kundu,
Mrs. Ranu Mondal,

... for the petitioner

Mr. Surajit Basu, learned advocate appears for the petitioner.

The learned advocate for the petitioner files affidavit of service along with postal receipt and track report showing due service upon the opposite party.

None appears from the side of the opposite party.

The application under Section 24 of the Code of Civil Procedure is taken up for hearing.

By filing the application under Section 24 of the Code of Civil Procedure, the petitioner/wife has sought for transfer of Matrimonial Suit No. 28 of 2022, from the Court of learned Additional District Judge at Baruipur to the Court of learned Additional District Judge, Jalpaiguri.

It has been contended by the learned advocate for the petitioner/wife that the matrimonial home of the parties is situated at Senpara at Jalpaiguri. At present,

the petitioner/wife along with two minor school going children is residing in her matrimonial home at Jalpaiguri. The opposite party/husband in connection of his service is at present residing at Sonarpur in the district of South 24 Parganas.

It has further been contended by the petitioner that the opposite party filed the above matrimonial suit against the petitioner in Baruipr, South 24 Parganas. It is not possible on the part of the petitioner/wife to attend all the way from Jalpaiguri leaving behind two minor school going children. The petitioner/wife has also stated that she has filed a case against the opposite party/husband under Section 498A of the Indian Penal Code at Jalpaiguri. It would be a financial burden upon the wife/petitioner to attend the Baruipur Court on each and every date of hearing all the way from Jalpaiguir, which is situated at 650 k.m. away from Baruipur.

Considering the long distance and the journey of 650 k.m. to attend the Court at Baruipur from Jalpaiguri, it would be very difficult on the part of the petitioner/wife, by leaving behind two minor school going children in Jalpaiguri.

Therefore, keeping in view of the difficulties that would be faced by the petitioner/wife, let the Matrimonial Suit No. 28 of 2022 be withdrawn from the Court of the learned Additional District Judge, Baruipur

and be transferred to the Court of learned Additional District Judge, Jalpaiguri, who may keep the said suit in his/her own file or may transfer the same to any other Court under his/her Judgship competent to try and dispose of the said suit.

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

The parties shall appear before the learned District Judge, Jalpaiguri on 02.05.2022 irrespective of transfer of the records of the said matrimonial suit but only on the basis of sever copy of this order.

The learned District Judge, Jalpaiguri shall act on such communication.

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

The learned Additional District Judge, Baruipur shall transfer the records of Matrimonial Suit No. 28 of 2022 to the Court of the learned Additional District Judge, Jalpaiguri within a period of 30 days from the date of communication of this order.

Accordingly, **C.O. 376 of 2022** is allowed.

Interim order, if any, stands vacated.

Connected application, if any, also stands disposed of.

There shall be no order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Kesang Doma Bhutia, J.)