

26.04.2022
Item no.17
Ct. No.21
Saswata

C.O. 472 of 2022

Ria Dutta Sen
-vs-
Soumik Sen

Mr. Sujan Chatterjee
... for the petitioner

Mr. Rupanjan Deb
Ms. Priya Nandy
... for the opposite party

Mr. Sujan Chatterjee, learned advocate appears for the petitioner and Mr. Rupanjan Deb, learned advocate appears for the opposite party.

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

The parties are represented by their respective advocates.

The petitioner/wife filed affidavit of service along with postal receipt and track report showing due service. The opposite party files affidavit-in-opposition. The petitioner/wife declines to file affidavit-in-reply.

The petitioner/ wife has filed the present application under Section 24 of the Code of Civil Procedure seeking transfer of matrimonial suit being Mat Suit No. 4 of 2020 from the Court of learned Additional District & Sessions Judge, Fast Track Court No. 2, North 24 Parganas at Barasat to any of the Court in Alipore having jurisdiction to try the same.

From the submission made by the learned advocate for the parties, it appears that the petitioner/wife is working woman and is posted at Treasury Building at BBD Bag. The respondent is a banker. At present the petitioner/wife is residing under Banshdroni PS under the District of South 24 Parganas, whereas the respondent/husband appears to be a permanent resident of Laketown under the District of South 24 Parganas.

From the submission of the learned advocates for the parties, it is seen that case under Section 498A/406/34 IPC read with Section 4 of the Dowry Prohibition Act filed by the wife is pending before the Court of learned Additional Chief Judicial Magistrate, Bidhannagore. That another case filed by her under the Domestic Violence Act is pending before the Court of learned Judicial Magistrate, 9th Court at Alipore.

Thus, it appears that three difference proceedings between the parties are pending in three different Courts. Matrimonial Suit in Barasat Court and two criminal proceedings against the husband, one in the Court of learned Additional Chief Judicial Magistrate, Bidhannagore and another in the Court of learned Judicial Magistrate, 9th Court at Alipore.

Considering the convenience and inconvenience of the parties and to do equity, this Court is of the view that it would be just and proper if the Matrimonial suit

pending in the Court of Barasat being MAT Suit no. 4 of 2020 pending before the learned Additional District & Sessions Judge, Fast Track Court No. 2, North 24 Parganas at Barasat is withdrawn and transferred to the Court of learned Additional District and Sessions Judge, Fast Track Court no. 2 at Sealdah.

The learned Additional District & Sessions Judge, Fast Track Court No. 2, North 24 Parganas at Barasat shall transfer the records of Matrimonial Suit No. 4 of 2020 to the Court of the learned Additional District and Sessions Judge, Fast Track Court no. 2 at Sealdah within a period of 30 days from the date of communication of this order.

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 learned Additional District and Sessions Judge, Fast Track Court no. 2 at Sealdah on 16.05.2022 irrespective of transfer of the records of the said matrimonial suit but only on the basis of sever copy of this order. The learned Additional District and Sessions Judge, Fast Track Court no. 2 at Sealdah, shall act on such communication.

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

Accordingly, **C.O. 472 of 2022** is disposed of.

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.)