

30.06.2022
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C.O. 394 of 2021
With
C.O. 896 of 2019

Smt. Chandrika Ray Biswas
Vs.
Sri Sourav Biswas

Mr. Joyak Kumar Gupta
Mr. Nanda Dulal Bandyopadhyay
... For the petitioner

Mr. Sanjib Kr. Mukhopadhyay
... for the opposite party

The revisional application being C.O. 394 of 2021 has been brought by the petitioner, Smt. Chandrika Ray Biswas against the opposite party, Sri Sourav Biswas, seeking transfer of Matrimonial Suit being No.334 of 2020 from the court of the learned District Judge, Hooghly at Chinsurah to the court of the learned District Judge, Alipore, South 24-Parganas.

On the other hand, the revisional application being C.O. 896 of 2019 has also been brought by the petitioner, Smt. Chandrika Ray Biswas against the opposite party, Sri Sourav Biswas, seeking transfer of the Act VIII Case No.9 of 2019 also from the court of the learned District Judge, Hooghly at Chinsurah to the court of the learned District Judge, Alipore, South 24-Parganas.

Learned lawyer appearing for the petitioner submits that in respect of jurisdictional conflict, dispute has been settled between the parties before the learned Mediator and both the parties have agreed that the aforesaid

Matrimonial Suit and Act VIII case be transferred to the court of the learned District Judge, Alipore, South 24-Parganas from the court of the learned District Judge, Hooghly at Chinsurah.

Learned lawyer appearing for the opposite party vehemently submits that his client apprehends that there may be some influence on the part of the petitioner and by which the fair disposal of the suit and case may be prejudiced if the suit and the case are transferred to the court of the learned District Judge at Alipore.

Be that as it may, as it is resolved before the learned Advocate-Mediator the jurisdictional conflict between the parties has been settled and the parties have agreed to transfer the Matrimonial Suit No.334 of 2020 and Act VIII Case No.9 of 2019, to the court of the learned District Judge, South 24-Parganas at Alipore.

It appears from the report of the learned Mediator that the jurisdictional conflict has been settled between the parties, but the rest portion of the dispute is not settled.

In view of the above, the parties are now estopped from retracting the settlement arrived at by them relating to transfer of the aforesaid two proceedings to the court of the learned District Judge at Alipore.

Accordingly, both the revisional applications are allowed.

Let the Matrimonial Suit being No.334 of 2020 and Act VIII Case No.9 of 2019 be withdrawn from the court of the learned District Judge, Hooghly at Chinsurah and the suit and case be transferred to the court of the learned District Judge, Alipore, South 24-Parganas, for disposal.

The learned District Judge, South 24-Parganas at Alipore may dispose of the suit and Misc. Case either himself or herself or transfer the same to any of the courts of the learned Additional District Judge at Alipore, South 24-Parganas, for disposal.

The learned District Judge, Hooghly at Chinsurah, is directed to transmit the case records of the Matrimonial Suit and the Act VIII case to the learned transferee court immediately after receipt of the copy of this order.

Department is direct to communicate copy of this order to both the courts below, immediately.

With the aforesaid directions, both the revisional applications stand disposed of.

There shall be no order as to costs.

(Rabindranath Samanta, J.)