

26.04.2022
Ct. 21
D/L 10
ab

C.O. 584 of 2022

Piyali Mukherjee

-Vs-

Biplab Mukherjee

Mr. Atarup Banerjee,
Mr. Tapodip Gupta,
Ms. Poulami Roy,

... for the petitioner

Mr. Atarup Banerjee, learned advocate appears for the petitioner.

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

None appears from the side of the opposite party when the matter is called on.

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

Heard the learned advocate for the petitioner.

The petitioner/wife by filing the present application under Section 24 of the Code of Civil Procedure has prayed for transfer of the Matrimonial Suit No. 49 of 2019 filed by the husband/opposite party, from the Court of learned Additional District Judge at Katwa to the Court of learned Additional District Judge at Durgapur.

It has been contended by the learned advocate for the petitioner/wife that the wife/petitioner has been deserted by her husband/opposite party in the year 2012 and since then, she has been staying in her parents' house at Durgapur. She has filed a criminal case under Sections 498A/354/354B/307/406/

120B/34 of the Indian Penal Code against the husband and which is pending before the learned Additional Chief Judicial Magistrate, Durgapur. The wife/petitioner has filed another case under the Domestic Violence Act being Misc. Case No. 406/2015 and which is pending before the learned Judicial Magistrate, 4th Court at Durgapur. In those cases, the husband/opposite party has been regularly attending the Court.

The wife/petitioner is a lady, who has no means and it would be a financial hardship on her part to attend the Court at Katwa regularly.

Considering the fact that two criminal cases are pending in the Court of Durgapur and the wife is at present residing at Durgapur, let the Matrimonial Suit No. 49 of 2019 be withdrawn from the Court of learned Additional District at Katwa and be transferred to the Court of learned Additional District Judge, Fast Track Court, Durgapur.

The learned Additional District Judge, Katwa shall transfer the records of Matrimonial Suit No. 49 of 2019 to the Court of the learned Additional District Judge, Fast Track Court, Durgapur within a period of 30 days from the date of communication of this order.

The parties shall appear before the learned Additional District Judge, Fast Track Court, Durgapur on 21.05.2022 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 Judge, Fast Track Court, Durgapur, 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 matrimonial suit in accordance with law.

Accordingly, **C.O. 584 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.**)