

19  
AKG 28-04-2022  
Ct.21

C.O. 648 of 2022  
Smt. Susmita Saha alias Mondal  
Versus  
Sri Bapi Saha

Ms. Sohini Chakraborty  
...for the Petitioner

Mr. Shuvajit Bose  
...for the Opposite Party

Parties are represented by their respective lawyers.

Learned advocate appearing for the petitioner files affidavit of service along with postal receipt and track report showing due service. However, Mr. Shuvajit Bose, learned advocate appears for the opposite party.

The matter is taken up for hearing.

By filing the present application under Section 24 of the Code of Civil Procedure, the petitioner/wife has sought for transfer of the matrimonial suit no. 117 of 2021 filed by the husband from the Court of Additional District Judge, Fast Track Court, Baruipur, South 24 Parganas to the Court of Additional District Judge at Barrackpore, North 24 Parganas where she is presently residing at her paternal house.

It has been contended that the petitioner comes from a poor background and she has no independent source of income to contest the case. She has filed the present application also through legal aid service authority.

On the other hand, learned advocate for the

husband submits that the wife has filed a case under Section 498A IPC against the husband and which is pending before the Court of Additional Chief Judicial Magistrate, Baruipur. She has to come to Baruipur to conduct the said case. Therefore, he prays for rejection of the application under consideration.

The fact remains the wife is at present residing at her parental house situated at Barrackpore. The wife has no independent source of income. She has filed the present application under Section 24 of the C.P.C. with the help of legal aid.

The criminal case which the wife has brought against the husband, and pending before the Baruipur Court, the wife need not have to attend the court regularly. She has to attend the court only on the date that would be fixed for recording her evidence.

Considering such inconvenience of the wife, this Court feels it would be just and proper to transfer the Matrimonial Suit No. 117 of 2021 from the learned Additional District Judge, Fast Track Court, Baruipur, South 24 Parganas to the Court of Additional District Judge, Fast Track 4<sup>th</sup> Court, at Barrackpore, North 24 Parganas.

The Matrimonial Suit No. 117 of 2021 is withdrawn from the learned Additional District Judge, Fast Track Court, Baruipur, South 24 Parganas and transferred to the Court of Additional District Judge,

Fast Track Court, 4<sup>th</sup> Court at Barrackpore, North 24 Parganas.

Learned Additional District Judge, Fast Track Court, Baruipur, South 24 Parganas is requested to transfer the record of Matrimonial Suit No. 117 of 2021 to the Court of Additional District Judge, Fast Track Court, 4<sup>th</sup> Court at Barrackpore, North 24 Parganas within one month from the receipt of communication of this order.

Parties shall appear before the Court of Additional District Judge, Fast Track Court, 4<sup>th</sup> Court at Barrackpore, North 24 Parganas on 06.06.2022 irrespective of transfer of the record of the Matrimonial Suit No. 117 of 2021 but only on the basis of server copy of this order.

Learned Additional District Judge, Fast Track Court, 4<sup>th</sup> Court at Barrackpore, North 24 Parganas shall act on such communication.

Transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached. Transferee Court is further requested to expedite the disposal of the said suit in accordance with law.

Accordingly, C.O. 648 of 2022 is disposed of. Connected application, if any, is also disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

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

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

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