

25.04.2022
Ct. 21
D/L 35

C.O.680 of 2022

Reshma Sultana
Vs.
Mustque Ahamed

Mr. B. Ghosh,
Mr. A. Chatterjee,

... for the petitioner

Mr. Anirban Das,

... for the opposite party

Parties are represented by their respective counsels.

The instant application is taken up for hearing.

The wife/petitioner by filling the present application under Section 24 of CPC read with section 151 CPC has prayed for transfer of the Matrimonial Suit No. 66 of 2021 pending before the Court of learned Civil Judge (Junior Division) at Kalna, Purba Bardhaman to any Court of Civil Judge (Junior Division) at Alipore, South 24 Parganas under whose jurisdiction she is presently residing.

It is seen from the application, the marriage between the parties took place at Kidderpore, Kolkata under the jurisdiction of District Court of Alipore, South 24 Parganas. The parties lastly resided in a flat provided by the father of the petitioner at Kidderpore, before the opposite party left for Raipur in the state of Chhattisgarh at his new place of work leaving the petitioner/ wife and their minor child under the care of father of the petitioner.

It appears after separation the opposite party has filed a suit for dissolution of their marriage being Matrimonial Suit No. 66 of 2021 in the Court of learned Civil Judge (Junior Division) at Kalna, Purba Bardhaman.

It has been contended that it would be hardship on the part of the petitioner to go all the way from Kidderpore, Kolkata to Kalna to attend the hearing of the Mat. Suit leaving behind her minor child.

Learned advocate appearing for the opposite party raises no objection and submits that opposite party has no objection if the Mat. Suit is transferred to Alipore Court.

Considering such submission, the application under Section 24 of CPC read with Section 151 of CPC filed by the wife is allowed.

The Mat. Suit No. 66 of 2021 is withdrawn from the Court of learned Civil Judge (Junior Division) at Kalna, Purba Bardhaman and transferred to the learned 5th Court of Civil Judge (Junior Division), Alipore, South 24 Parganas and who has jurisdiction to try cases falling under P.S. Watgunge, Kidderpore, South 24 Parganas.

The learned Civil Judge (Junior Division) at Kalna, Purba Bardhaman shall transfer the records of Matrimonial Suit No. 66 of 2021 to the Court of learned Civil Judge (Junior Division), Alipore, South 24

Parganas within a period of 30 days from the date of communication of this order.

The parties shall appear before the learned 5th Court of Civil Judge (Junior Division), Alipore, South 24 Parganas on 21.05.2022 irrespective of transfer of the records of the said Matrimonial Suit only on the basis of server copy of this order.

The learned Civil Judge (Junior Division) at Kalna, Purba Bardhaman 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 suit in accordance with law.

Accordingly, **C.O. 680 of 2022 is disposed of.**

Connected application, if any, is disposed of.

Interim order, if any, stands discharged.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

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

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

