

26.04.2022
Item no.19
Ct. No.21
Saswata

C.O. 715 of 2022

Anupriya Das
-vs-
Sumanta Garain

Mr. Siddhartha Sarkar
... for the petitioner

The petitioner is represented by her advocate, Mr. Siddhartha Sarkar.

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

The learned advocate for the petitioner/wife files affidavit-of –service along with postal receipt and track report showing due service of notice of this Court upon the opposite party who fails to appears before this Court today.

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. 9 of 2022 from the Court of learned Additional District & Sessions Judge, Kandi, Murshidabad to the Court of learned Additional District Judge, Tehatta, Nadia where she is presently residing after returning from her matrimonial home. It has been contended that the petitioner/wife has initiated a case under Section 498A/34 of the IPC against the husband and his family members which is pending at Tehatta. She has also filed a case under the

Domestic Violence Act for maintenance against the husband being Misc. Case no. 19 of 2022 which is pending before the Court of learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

It is further contended that it would be great hardship both physically and financially on the part of the petitioner/wife to travel from away from Tehatta, the border area of Bangladesh to go to Kandi, Murshidabad. It is also contended that the husband has been contesting in Tehatta Court in connection with other two cases pending against him.

Keeping in view the convenience and inconvenience of the petitioner/wife having no source of income of her own, the case is withdrawn from the Court of learned Additional District & Sessions Judge, Kandi, Murshidabad and transferred to the Court of learned Additional District and Sessions Judge, Tehatta, Nadia.

The learned Additional District & Sessions Judge, Kandi, Murshidabad shall transfer the records of Matrimonial Suit No. 9 of 2022 to the Court of the of learned Additional District and Sessions Judge, Tehatta, Nadia 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, Tehatta, Nadia 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, Tehatta, Nadia, 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. 715 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.)

