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AKG 07-04-2022
Ct.21

C.O. 839 of 2022
Sri Anjan Samaddar
Versus
Smt. Moumita Chakraborty

Mr. Debasis Kar
...for the Petitioner
Mr. Sujit Saha
...for the Opposite Party

The petitioner is represented by Mr. Debasis Kar, learned advocate and Mr. Sujit Saha, learned advocate appears for the opposite party.

The husband has filed the present application under Section 24 of the Code of Civil Procedure praying for transfer of matrimonial suit no. 43/2019 filed by him against the wife to the Court of learned Additional District Judge at Barrackpore. He further submits that both the parties to the suit are ordinarily resident of Barrackpore and are not that of South 24 Parganas.

On the other hand, learned advocate for the opposite party submits that just to harass the wife, the husband with mala fide intention has filed the divorce suit in the Court of learned District Judge at Alipore and knowing fully that the learned District Judge, Alipore has no jurisdiction to hear the divorce suit. He submits the husband has filed the present application when the wife has filed an application under Order 7 Rule 11 C.P.C. for rejection of plaint before the Court of Additional District Judge, Alipore, where the matrimonial suit no. 43/2019 is pending. Thereby, he

prays that an exemplary cost may be imposed upon the petitioner.

In view of the submission made by learned advocate for the parties, let the Mat Suit No. 43 of 2019 be withdrawn from the Court of learned Additional District Judge, 9th Court, Alipore and be transferred to the Court of learned Additional District Judge at Barrackpore.

The learned Additional District Judge, 9th Court Alipore shall transfer the records of Mat Suit No. 43 of 2019 to the Court of learned Additional District Judge, 2nd Court at Barrackpore within a period of 30 days from the date of communication of this order.

The parties shall appear before the Court of learned Additional District Judge, 2nd Court at Barrackpore on 11.05.2022 irrespective of transfer of the records of the said matrimonial suit but only on the basis of server copy of this order.

The learned Additional District Judge, 2nd Court at Barrackpore 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. 839 of 2022** is disposed of.

Interim order, if any, stands vacated.

Connected applications, if any, also stand 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.)