

07.07.2022
Item No.21
Ct. No.14
S.A.

CO 1054 of 2022

Roshni Bose Bhaduri
-vs-
Palash Bhaduri

Ms. Malyasree Maity
...for the petitioner
Mr. Sounak Bhattacharya
Mr. Sounak Mandal
...for the opposite party

This revision arising out of an application under Section 24 of the Code of Civil Procedure is taken up for hearing.

The petitioner seeks transfer of one Act VIII case No.79 of 2021 from the court of learned Additional District Judge, 15th court at Alipore to any of the courts of Additional District Judge at Alipore.

Learned counsel appearing for the petitioner submits that the child of the petitioner is a special child. The petitioner is an Assistant Professor of a college. The learned Judge before whom the Act VIII case is pending, is fixing dates frequently which immensely cause inconvenience to the petitioner. On such score, learned counsel for the petitioner submits that the aforesaid case be transferred to any of the courts of learned Additional District Judge.

Learned counsel appearing for the opposite party submits that the grounds as set out in the

application do not justify the transfer of the aforesaid case.

The grounds as stated in the application seeking transfer of the aforesaid case as under :-

- I. For that the petitioner is the Assistant Professor of the Heritage college, Anandapur, Kolkata and she is not getting leave frequently from the college.
- II. For that the petitioner is a lonely lady staying separately with her 7 years old daughter.
- III. For that the petitioner's daughter is suffering from some incurable disease and presently she is being treated for a fracture of right elbow and undergone with a surgery few months before.
- IV. For that the learned court fixing a date frequently and without any gap caused great inconvenience to the petitioner.
- V. For that the learned court below was not willing to proceed with the issue related with the matter.
- VI. For that the petitioner/mother is facing great hardship in both ways for financial and physical exhaustion by the order of the learned court below in fixing consecutive dates without giving any justified and adequate time to the petitioner to file her written objection.

VII. For that the petitioner/mother being lonely lady cannot be able to visit court and the learned counsel everyday with her minor daughter and this will cause inconvenience to her.”

A series of orders passed by the learned Additional District Judge, 15th court, Alipore project that the learned Trial judge fixing the matter so that the matter can be disposed of expeditiously.

The grounds as taken by the petitioner exhibit the endeavour is being made by the learned Judge to dispose of the matter as expeditiously as possible.

It is the inherent desire of every honest litigant that the case/suit brought by him or her before a court should come to an end as expeditiously as possible.

In this case, the grounds as taken by the petitioner seeking transfer of Act VIII case do not justify the transfer of the proceeding.

Therefore, the revisional application filed by the petitioner is dismissed.

However, if the learned Judge feels that it will be difficult for him to dispose of the matter, he may request the learned District Judge, South 24 Parganas at Alipore for transfer of the proceeding to any of the courts at the station.

However, if justifiable circumstances arise for transfer of the aforesaid proceeding, the petitioner is

at liberty to approach the learned District Judge, South 24 Parganas at Alipore for transfer of the proceeding to any of the concerned courts under his Judgeship in accordance with law.

Let a copy of this order be communicated to the learned District Judge, South 24 Parganas and the learned Additional District Judge, 15th Court, Alipore.

(Rabindranath Samanta, J.)