

12.12.2022
183
Ct. no. 652
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C.O. 1188 of 2022
With
CAN 2 of 2022

Shanti Harijan
Vs.
Bikram Hari

Mr. Abu Jafor
Mr. Rameshwar Sinha ...for the Petitioner

Mr. Abir Lal Chakraborty
Mr. R. Saha ...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Matrimonial Suit no. 466 of 2019 presently pending before the court of learned Additional District Judge, 5th Court, Malda to the court of learned Additional District Judge, Bolpur, Birbhum.

The petitioner contended that the petitioner married with the opposite party on 31.7.1996 according to Hindu Rites and Customs. The petitioner further contended that she is an unemployed lady and she is also custodian of a child who is a student of Class-I in a local school at Bolpur. The petitioner has initiated a proceeding seeking maintenance under Section 125 of the Code of Criminal Procedure and another proceeding under the provision of Protection of Women from Domestic Violence Act and both the cases are pending in

the court at Bolpur where the husband has appeared and contesting the same. The distance in between the Bolpur and Malda is about 252 kilometres and the petitioner has none to accompany her in her family. Moreover, the petitioner has to look after her aged parents and as such the petitioner has sought for aforesaid transfer.

Opposite party raised objection and contended that the grounds for transfer as sought for by the petitioner is not sufficient and as such the prayer made by the petitioner is liable to be rejected.

Having considered the facts and circumstances of the case and the distance involved between the two places and that the petitioner is the custodian of a school going child and that the other proceedings under Section 125 of the Code of Criminal Procedure and proceeding under the provision of Protection of Women from Domestic Violence Act are pending before the Bolpur court where the opposite party would be required to attend and that in such cases where the husband has initiated a suit for dissolution of marriage, the convenience of the petitioner is of paramount importance, the prayer made by the petitioner, is allowed.

In view of above, learned District Judge, Malda is hereby directed to withdraw the Matrimonial Suit no. 466 of 2019 presently pending before the court of

learned Additional District Judge, 5th Court, Malda and to transmit the same to the court of learned District Judge, Suri at Birbhum within a period of three weeks from the date of communication of the order and learned District Judge, Suri at Birbhum in turn will transfer the same to the court of learned Additional District Judge, Bolpur having jurisdiction to try the same within a period of three weeks thereafter.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the aforesaid suit.

The department is directed to send a copy of the order to the learned District Judge, Suri, Birbhum Chinsurah and learned District Judge, Malda.

The transferee court is requested to make every endeavour for expeditious disposal of the suit and to conclude the entire proceeding of the suit preferably within a period of one year from the date of receipt of the case record.

Accordingly, C.O. 1188 of 2022 is disposed of and connected application, if any, also stands disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)