

Ct. No. 652
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**12.10
2023**

C.O. 1344 of 2022
Nidhi @ Ishitha Mohanka
-Versus-
Aditya Vikaram Mohanka & Anr.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Ms. Dipanwita Ganguly
Mr. Kaustav Bhattacharya
Ms. Sinjini Chakraborty
Ms. Priyanka Jana **...For the Petitioner**

Mr. Avishek Guha
Ms. Akansha Chopra **...For the Opposite Parties**

This application under Section 24 of the Code of Civil Procedure was disposed of finally vide order dated 26th September, 2022 and in view of the said order the Matrimonial Suit, being Mat. Suit No. 2227 of 2019 pending before the learned Additional District Judge, 13th Court, Alipore was transferred to the court of learned District Judge, North 24-Parganas at Barasat.

Learned Counsel appearing on behalf of the petitioner on instruction submits that in said Matrimonial Suit, one Misc. Case being Misc. Case No. 229 of 2022 was also filed under Section 24 of the Hindu Marriage Act seeking alimony pendente lite. Since the said Misc. Case is part of the aforesaid Matrimonial Suit, the case record of the Misc. Case pending before aforesaid court at Alipore is also required to be sent to the transferee Court otherwise it will cause prejudice to the petitioner to proceed with the said Misc. Case at Alipore Court separately and object of order passed in this case will be frustrated.

Mr. Avishek Guha, learned Counsel appearing on behalf of the opposite parties submits that copy of the aforesaid Misc. Case was never served upon them and they

are not aware about the Misc. Case. However, if it is pending before the learned Additional District Judge, Alipore, it may be transferred to the Court of the learned District Judge, North 24-Parganas at Barasat.

In such view of the matter, learned District Judge, South 24-Parganas at Alipore is directed to withdraw the Misc. Case No. 229 of 2022 filed in connection with the Matrimonial Suit, being No. 2227 of 2019, from the Court of learned Additional District Judge, 13th Court, Alipore and to transmit the same to the Court of the learned District Judge, North 24-Parganas at Barasat within a period of five weeks from the date of communication of this order.

The transferee Court shall proceed with the aforesaid Misc. Case from the stage as it reached till date after serving fresh notice upon both the parties.

Let copy of this order be sent to the learned District Judge, North 24-Parganas at Barasat and learned District Judge, South 24-Parganas at Alipore for compliance.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, on priority basis on compliance of all usual formalities.

(Ajoy Kumar Mukherjee, J.)