

Ct. 13.6
No. 2022
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C.O. 1380 of 2022
Smt. Sarvani Mitra nee Sarbani Sen Mitra
-Versus-
Soumen Mitra

Mr. Biswajit Hazra
Mr. Archisman Sain
Mr. Arif Md.Khan **...For the Petitioner**

Mr. Pravas Bhattacharjee **...For the Opposite Party**

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of a Matrimonial Suit from the Court of the learned Additional District Judge, 7th Court at Midnapore, Paschim Medinipur to the Court of learned District Judge at Barasat, North 24-Parganas.

It is stated by the petitioner, Smt. Sarvani Mitra that her marriage with the opposite party, Soumen Mitra was solemnized on August 15, 2007 according to Hindu rites and customs. After their marriage, they lived together as husband and wife. Out of her wedlock with the opposite party, the petitioner gave birth to a male child namely, Joy Mitra on January 14, 2010 and now he is staying with the petitioner.

It is alleged by the petitioner that owing to matrimonial discord she had to leave her matrimonial home and take shelter at her parental home. After getting summons of a suit, the petitioner came to know that the opposite party filed a matrimonial suit, being No. 17 of 2021 in the Court of the learned District Judge, Paschim Medinipur and the suit was transferred to the Court of learned Additional District Judge, 7th Court at Midnapore, Paschim Medinipur.

The petitioner states that the distance from her parental home and the Court at Midnapore is about 250 kms. It will be hardship for her with her minor child to attend the

matrimonial proceeding before the Court at Midnapore travelling the long distance as above.

Under such circumstance, the petitioner prays for transfer of the matrimonial suit to the Court of the learned District Judge, North 24-Parganas at Barasat.

Having heard the learned Counsels appearing for the parties and considering the facts and circumstances as stated in the application, I feel that it will be wise if the aforesaid matrimonial suit is withdrawn and transferred to the Court of the learned Additional District Judge, 1st Court, Sealdah, South 24-Parganas.

In view of the, the revisional application is allowed.

Let the matrimonial suit being No. 17 of 2021 (Soumen Mitra Vs. Smt. Sarvani Mitra) be withdrawn from the Court of learned Additional District Judge, 7th Court at Midnapore, Paschim Medinipur and the suit be transferred to the Court of the learned Additional District Judge, 1st Court, Sealdah, South 24-Parganas for disposal.

The learned Additional District Judge, 7th Court at Midnapore, Paschim Medinipur is directed to transmit the case record of the matrimonial suit forthwith on receipt of copy of this order.

The transferee Court shall make all endeavour to dispose of the matrimonial suit as expeditiously as possible.

With the aforesaid direction C.O. 1380 of 2022 stands disposed of.

There will, however, be no order as to costs.

Let a copy of this order be communicated to both the Courts below for information and compliance.

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

(Rabindranath Samanta, J.)