

12.05.2022
(D/L-31)
Ct.-18
(Susanta)

C.O. 1428 of 2021

Ranita Senapati Nee Kar
-Vs-
Sujoy Senapati

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar,

..... For the Petitioner.

Mr. Aritra Bhattacharya,

.... For the Opposite Party.

This is an application under Section 24 of the
Code of Civil Procedure.

The petitioner is the respondent of the
matrimonial suit filed by the opposite party seeking
dissolution of the marriage between the parties by a
decree of divorce.

The said matrimonial suit being Matrimonial
Suit No. 42 of 2021 is pending before the Court of
learned Additional District Judge, Raghunathpur,
District- Purulia.

The petitioner by the present application is
praying withdrawal of the said suit from the Court
where it is now pending and for transfer of it to any
Court competent to try and dispose of the said suit at
Kalyani under the judgeship of learned District
Judge, Nadia.

The petitioner is seeking such withdrawal and
transfer of the said suit on the grounds; that she is
residing at Haringhata, as such, it would be difficult
for her to travel to Raghunathpur to contest the said

suit and other criminal proceedings between the parties are pending before the competent Criminal Courts at Kalyani, District- Nadia.

In view of the distance between Haringhata and Raghunathpur, inconvenience pleaded by the petitioner in contesting the said suit at Raghunathpur cannot be ruled out. That apart all the pending proceedings between the parties are required to be brought in one place to avoid inconvenience of the parties and their unnecessary expenses.

Therefore, the prayer of the petitioner deserves to be allowed.

Let the Matrimonial Suit no. 42 of 2021 (**Sujoy Senapati -Vs- Ranita Senapati**) be withdrawn from the Court of learned Additional District Judge, Raghunathpur, District- Purulia and be transferred to the Court of learned District Judge, Nadia at Krishnanagar, who on receipt of the records of the said suit, shall transfer it to any Court under his Judgeship competent to try and dispose of the said matrimonial suit at Kalyani.

The learned Additional District Judge, Raghunathpur shall expedite transmission of the records of the said suit.

Irrespective of the receipt of the records of the said matrimonial suit, the parties are directed to appear before the learned District Judge, District- Nadia at Krishnanagar on **June 06, 2022** with a Server Copy of this order to get necessary directions.

The said matrimonial suit, after transfer, shall proceed from the stage at which it has already reached.

The husband is at liberty to approach the transferee court for scheduling the dates of the matrimonial suit in parity with the dates to be fixed in the criminal matters pending between the parties.

If such approach is made, the transferee Court shall consider it subject however to its convenience.

No affidavit-in-opposition since has been invited from the husband, allegations made in the application are deemed to have been denied by him.

It is made clear that the parties shall not cause unnecessary delay in disposal of the said suit.

The department is directed to communicate this order immediately to the learned Additional District Judge, Raghunathpur, District- Purulia.

C.O. 1428 of 2021 is thus disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)