

25.04.2022
Ct. 21
D/L 4

C.O.1452 of 2022

Shrimati Moumita Sau

Vs.

Sourav Kumar Sau

Mr. Rabindranath Mohato,
Mr. Aritra Shankar Ray,

... for the petitioner

The petitioner files affidavit of service along with postal receipt and track report. Track report shows notice has been duly served upon S.P. Purulia, but no track report has been received so far opposite party is concerned. No appearance is made by the opposite party.

The record shows the petitioner has made several attempts to serve notice of this case upon opposite party in the address given in the cause title of Mat Suit No.100 of 2021 filed by the opposite party in the District Court of Purulia and all the time postal envelopes have returned undelivered with endorsement insufficient address.

Be that as it may, the fact remains filling learned District Judge at Purulia prove that opposite party is indeed posted at Purulia and such fact stands corroborated by the cause title of Mat Suit No.100 of 2021. Therefore, it can be safely inferred that opposite

party has intentionally avoiding service of notice of this case.

By filling the present application under Section 24 of CPC read with section 151 of CPC the petitioner/wife has prayed for transfer of Matrimonial Suit No. 100 of 2021 to the Court of learned District Judge at West Midnapore, where she is at presently residing along with her minor child after separation from her husband due to some matrimonial discord and difference.

On perusal of the cause title of the application it is seen the opposite party though posted at Purulia appears to be a permanent resident of Village-Deuldanga, Post Office- Chandra, Police Station-Gurguripal, Dist- West Midnapore.

Considering the facts discussed above and the fact it would be a great hardship on the part of the wife who has to take care of a minor child to attend the court at Purulia on each date of hearing from West Midnapore. The application under Section 24 of CPC read with section 151 of CPC is hereby allowed.

The Mat. Suit No. 100 of 2021 is withdrawn from the Court of learned District Judge at Purulia and transfered to the Court of learned District Judge at West Midnapore.

The learned District Judge at Purulia shall transfer the records of Matrimonial Suit No. 100 of

2021 to the Court of learned District Judge at West Midnapore within a period of 30 days from the date of communication of this order.

The learned District Judge may keep the case in his/ her own file or transfer the same to any other Court having jurisdiction to try and dispose of the same or transfer the case to the Court having jurisdiction to try the suit.

The parties shall appear before the learned District Judge at West Midnapore on 21.05.2022 irrespective of transfer of the records of the said Matrimonial Suit only on the basis of server copy of this order.

The learned District Judge, Purulia shall act on such communication.

The transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached.

The transferee Court is further requested to expedite disposal of the said title suit in accordance with law.

Accordingly, **C.O. 1452 of 2021 is disposed of.**

Connected application, if any, is disposed of.

Interim order, if any, stands discharged.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(**Kesang Doma Bhutia, J.**)