

02.05.2022
Ct. 21
17
AGM/RKB

C.O. 1650 of 2021

Smt. Shabari Ghosh

-Vs-

Sri Samrat Nandi

Mr. Santanu Mukherjee,
... for the petitioner

Mr. Krishanu Banik,
... for the opposite party

Parties are represented by their lawyers.

Learned advocate for the petitioner files affidavit of service along with postal receipt and track report showing due service upon opposite party.

Mr. Krishanu Banik, learned advocate appears for the opposite party.

The present application under Section 24 of the Code of Civil Procedure is filed by the petitioner wife praying for withdrawal of divorce suit being Matrimonial Suit No. 129 of 2021 filed by the husband, at present pending before the Court of learned District Judge, Jalpaiguri to the Court of District Judge, Alipore, South 24 Parganas on the ground that she is at present

residing at Ballygaunge, Kolkata and working in IT Sector in Kolkata and has a minor child to look after.

Learned advocate appearing for the husband submits that the husband was working in IT Sector at Bangalore. At present he is posted and working in Malaysia. It will be equally hardship for the husband to go to Jalpaiguri to conduct the matrimonial suit filed by him, though Jalpaiguri is his place of permanent residence as because he is at present working in Malaysia. It would be convenient for him if the case is transferred to any court in Kolkata competent to hear and dispose of the matter.

Considering the submission made by learned advocate for the parties and having regard to convenience and inconvenience of the parties and to do equity, the matrimonial suit No. 129 of 2021 is withdrawn from the Court of District Judge, Jalpaiguri and transferred to the Court of learned Chief Judge, City Civil Court, Calcutta.

Learned Chief Judge, City Civil Court, Calcutta may keep the record in his/her own file and may transfer the same to any other Court under his/her Judgeship competent to try and dispose of the said suit.

The learned District Judge, Jalpaiguri shall transfer the records of Matrimonial Suit No. 129 of 2021 to the Court of learned Chief Judge, City Civil

Court, Calcutta within a period of 30 days from the date of communication of this order.

The parties shall appear before the Chief Judge, City Civil Court, Calcutta on 06.06.2022 irrespective of transfer of the records of the said matrimonial suit but only on the basis of sever copy of this order. The learned District Judge, Jalpaiguri, 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 matrimonial suit in accordance with law.

Accordingly, **C.O. 1650 of 2021** is disposed of.

Interim order, if any, stands discharged.

Connected application, if any, also stands disposed of.

There shall be no order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Kesang Doma Bhutia, J.)

