

S/L 89
14.11.2022
Court No.652
SD

CO 1928 of 2022
With
CAN 1 of 2022

Smt. Pinaki Ghosh nee Majumder
Vs.
Sri Swarnankur Ghosh

Mr. Sourav Sen

...for the Applicant/Petitioner.

Mr. Chandradoy Roy

...for the Opposite Party.

CAN 1 of 2022:-

This application relates to recalling of an order dated September 19, 2022 whereby this Court was pleased to allow the petitioner's application under Section 24 of the Code of Civil Procedure with a direction upon the learned District Judge, Alipore to withdraw the Matrimonial Suit No.985 of 2021 from the Court of learned District Judge, Alipore and to transmit the record to the learned District Judge, Nadia at Krishnagar within a period of two weeks from the date of communication of the order.

Petitioner submits learned Advocate for the petitioner could not be present at the time of call as learned Advocate was engaged in another court. However this court was pleased to pass order of the aforesaid transfer.

The recalling petition has been preferred contending that the prayer for transfer was sought for on the ground of distance from Alipore Court. The opposite party/wife resides at Haringhata, Nadia which is at a distance of 70

kms. from Alipore Court and the distance from Haringhata to Krishnanagore Court is 64 K.M. It is submitted if the wife is willing to travel for 64 K.M. for going to Krishnanagore, she can very well travel 70 K.M. and come down to Alipore. He further submits that the court close to petitioner's house is at Kalyani which is only 16 K.M. away.

It is submitted on behalf of the petitioner that it would be convenient for the wife if it is transferred to the Court at Kalyani or at Barrackpore from her present place of residence and it would also be equally convenient for the husband who is now residing at Kolkata.

Learned Counsel for the opposite party leaves the prayer for discretion of the court.

In view of the above, the recalling application being CAN 1 of 2022 is hereby disposed of giving liberty to the applicant/petitioner to approach before the learned District Judge, Nadia for getting it transferred to the Court of Kalyani under the provision of the Code and if any such prayer is made before the learned District Judge, Nadia, the Court will dispose of the said application in accordance with law.

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

(Ajoy Kumar Mukherjee, J.)