

01.04.2022
Ct. 21
D/L 9
ab

C.O. 1848 of 2021

Smt. Chandana Dey

-Vs-

Dr. Sujay Dey

Ms. Deblina Lahiri,
Mr. Mrinmoy Chatterjee,

... for the petitioner

Ms. Deblina Lahiri, learned advocate appears for the petitioner.

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

None appears from the side of the opposite party.

The application under Section 24 of the Code of Civil Procedure is taken up for hearing.

By filing the present application under Section 24 of the Code of Civil Procedure, the petitioner/wife has prayed for transfer of Matrimonial Suit No. 2667 of 2019 from the Court of learned 1st Additional District Judge, Alipore, South 24 Parganas to the Court of the learned District & Sessions Judge, Purba Bardhaman. At present, the petitioner/wife is residing at her parental house, which is situated at Purba Bardhaman.

It has been contended by the learned advocate for the petitioner that the petitioner/wife is aged about 54 years and she is a rheumatic patient. It has further been contended that the petitioner/wife is a teacher of a private school at Purba Bardhaman.

This Court holds that it would be inconvenient for her to come all the way from Purba Bardhaman to attend the Court regularly at Alipore.

Having regard to the fact and considering the age of the petitioner, let the Matrimonial Suit No. 2667 of 2019 be withdrawn from the Court of learned 1st Additional District Judge, Alipore, South 24 Parganas and be transferred to the Court of learned District & Sessions Judge, Purba Bardhaman, who may keep the said suit 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 transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached.

The parties shall appear before the learned District & Sessions Judge, Purba Bardhaman on 02.05.2022 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 & Sessions Judge, Purba Bardhaman, shall act on such communication.

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

The learned 1st Additional District Judge, Alipore, South 24 Parganas shall transfer the records of Matrimonial Suit No. 2667 of 2019 to the Court of the learned District & Sessions Judge, Purba Bardhaman within a period of 30 days from the date of communication of this order.

Accordingly, **C.O. 1848 of 2021** is disposed of.

Interim order, if any, stands vacated.

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.)