

18.01.2022
Item No.11
Ct. No.7
CHC
(disposed of)

**C.O.1884 of 2021
(Via Video Conference)**

Pritha Roy
.....
Vs.
Dr. Aritra Hazra

Mr. Partha Pratim Roy,
Mrs. Joyita Ray
...for the petitioner

Mr. Sukanta Das
...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Matrimonial Suit No.268 of 2021, pending before the court of learned Additional District Judge, 9th Court, Paschim Medinipur to the court of learned District Judge, North 24 Parganas.

Mr. Roy, learned advocate appearing on behalf of the petitioner/wife submits that the petitioner is presently residing at DA-13, Flat No.8, Arcadians Cooperative Housing, Major Arterial Road (SE Extension), Street number:2222, Action Area-1, Newtown, Kolkata – 700156 and for attending the court proceeding before the court at Paschim Medinipur, she has to travel a distance of almost 208

K.m. and further she has to look after her minor child of 2 years and 10 months. In view of above submission, he prays for transfer of Matrimonial Suit being No.268 of 2021, pending in the court of learned Additional District Judge, 9th Court, Paschim Medinipur to the court of learned District Judge, North 24 Parganas.

Mr. Das, learned advocate appears on behalf of the opposite party/husband and in reply to the contention raised by the petitioner submits that it would be convenient for both the parties if the case is transferred to the court of learned Additional District Judge, at Sealdah.

Heard learned advocate for both sides and considered the materials on record.

It is undisputed that the wife is presently residing at her father's house at DA-13, Flat No.8, Arcadians Cooperative Housing, Major Arterial Road (SE Extension), Street number:2222, Action Area-1, Newtown, Kolkata – 700156. Further it has been categorically stated in paragraphs-27 and 28 that the petitioner/wife has minor son aged about 2 years and 10 months and ailing parents who are senior citizens and will be seriously inconvenienced in travelling a long distance for attending proceeding before the learned court at Paschim Medinipur.

Considering the facts and circumstances, I am inclined to allow the prayer of the petitioner for transfer of Matrimonial Suit No.268 of 2021.

Accordingly, let the Matrimonial Suit being No.268 of 2021, pending before the court of learned Additional District Judge, 9th Court, Paschim Medinipur be withdrawn and transferred to the court of learned District Judge, North 24 Parganas, at Barasat for trial and disposal.

The interim order of stay of proceeding stands vacated.

The instant application being C.O.1884 of 2021 under Section 24 of the Civil Procedure Code stands disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)