

27.04.2022
Ct. 21
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C.O. 2281 of 2021
With
IA No. CAN/1/2022

Mousumi Ghosh (Das)
-Vs-
Partha Das

Mr. Avishek Guha,
Ms. Akansha Chopra,

... for the petitioner

Mr. Avishek Guha, learned advocate appears for the petitioner.

The learned advocate for the petitioner files affidavit of service along with postal receipt and track report. As per track report, it appears that the notice sent to the residential address of the opposite party has been duly served upon him, though notices sent to two different places of work of the opposite party have been returned with the postal endorsement “for want of sufficient address”.

Be that as it may, the opposite party has already received the notice sent to his residential address and he fails to appear before this Court today when the matter is taken up for hearing.

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

Heard the learned advocate for the petitioner.

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. 138 of 2021 filed by the husband/opposite party, from the Court of learned Additional District and Sessions Judge, Baruipur to the Court of the learned District Judge at Barasat under whose jurisdiction, the petitioner/wife is at present residing in her parental home.

It has been contended by the learned advocate for the petitioner that the petitioner/wife has filed a case under Section 125 of the Code of Criminal Procedure being M. Case No. 42 of 2020 and which is pending in the Court of learned Chief Judicial Magistrate at Barasat. She has also filed a case under the Domestic Violence Act being Complaint Case No. 2340 of 2021 and which is also pending in the Court of learned Chief Judicial Magistrate at Barasat.

It has further been contended by the learned advocate for the petitioner/wife that the petitioner/wife has no independent source of income of her own and at present she is dependent on her aged parents. It would be a hardship on her part to attend the Court regularly at Baruipur all the way from Baguiati, Kolkata and engage a lawyer there when she has already engaged a lawyer to conduct the hearing of the cases under Section 125 of the Code of Criminal Procedure and the

Domestic Violence Act in Barasat Court. It would be more convenient for her to attend the Court at Barasat.

Since no one appears to object such prayer of the petitioner, the application under Section 24 of the Code of Civil Procedure is allowed.

Let the Matrimonial Suit No. 138 of 2021 be withdrawn from the Court of learned Additional District and Sessions Judge, Baruipur and be transferred to the Court of learned District Judge at Barasat, 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 learned Additional District and Sessions Judge, Baruipur shall transfer the records of Matrimonial Suit No. 138 of 2021 to the Court of the learned District Judge, Barasat within a period of 30 days from the date of communication of this order.

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 Judge, Barasat on 21.05.2022 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, Barasat, shall act on such communication.

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

Accordingly, **C.O. 2281 of 2021** is disposed of.

Interim order, if any, stands discharged.

Connected application being CAN 1 of 2022 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.)