

Ct. 25.8
No. 2022
14
149
akb

C.O. 1648 of 2020

Satabdi Ray (Aich)
-Versus-
Shri Shibnath Ray

Ms. Sucharita Biswas
Mr. Narayan Ghosh **...For the Petitioner**

Mr. Pradip Mukherjee
Ms. Chaitali Mukhopadhyay...For the Opposite Party

Affidavit-in-opposition filed on behalf of the opposite party be kept on record.

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

I have heard learned Lawyers appearing for the parties.

It is stated by the petitioner that her marriage with the opposite party was solemnized on 19th November, 2001 and the marriage between them was duly consummated. Out of her wedlock with the opposite party, she gave birth to a male child on 4th September, 2004. The petitioner complains that because of inflicting torture upon her, she had to leave her matrimonial home and started residing at her parental home.

The petitioner states that the opposite party filed a matrimonial suit, being No. 2285 of 2019 in the Court of the learned District Judge, South 24-Parganas at Alipore and the suit is now pending in the Court of the learned Additional District Judge, 1st Court at Alipore, South 24-Parganas. She states that she will face inconvenience if she has to appear before the concerned Court at Alipore to participate the matrimonial proceeding. Hence the prayer.

Having heard the learned Lawyers appearing for

the parties and considering the balance of convenience and inconvenience of the parties I think that it will be wise to withdraw the aforesaid matrimonial suit from the Court of the learned Additional District Judge, 1st Court at Alipore, South 24-Parganas and transfer the suit to the Principal Judge, Family Court, Kolkata.

In view of the above, the revisional application is allowed.

Let the Matrimonial Suit, being No. 2285 of 2019 be withdrawn from the Court of the learned Additional District Judge, 1st Court at Alipore, South 24-Parganas and the suit be transferred to the Court of the Principal Judge, Family Court, Kolkata for disposal.

The learned Additional District Judge, 1st Court at Alipore is directed to transmit the case record of the matrimonial suit to the transferee Court immediately after receipt of a copy of the order.

With the aforesaid direction, C.O. 1648 2020 stands disposed of.

There will, however, be no order as to costs.

Let a copy of this order be communicated to both the Courts below for information and compliance.

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

(*Rabindranath Samanta, J.*)