

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

10.03.2022
Item No.4
Court No. 01
Saswata

C.O. 106 of 2021

Saru Thapa (Lama)

-vs-

Hem Kumar Thapa

Mr. Urgen Lama,
Mr. Panthu Rai,
Mr. Mayank Bhandari
...for the petitioner

This is an application under Section 24 of the Code of Civil Procedure at the instance of the wife who is arraigned as defendant in Matrimonial Suit no. 42 of 2021 pending before the Learned District Judge, Kalimpong.

It is submitted that not a single farthing has been paid on account of her maintenance by the husband who has filed the suit for dissolution of marriage. It is further submitted that she is living alone with her only child at Kurseong and suffering from various diseases which impedes her movement from one place to another. There is a distance of 70 Kms. in the hilly terrain and it is practically impossible for her to commute on each day when the said suit is fixed for hearing.

At the time of entertaining the instant application, service was directed to be effected upon the husband but there was no representation on his behalf. On the last occasion when the matter appeared, a direction was passed upon the petitioner to serve a copy upon the learned advocate representing the husband in the Trial Court. Service has been effected on 02/03/2022 but despite such service, there is no representation on his behalf.

In view of the finding made hereinabove, more

particularly, that the wife having her only child with her will face extreme difficulty in commuting 70 Kms. distance, this Court finds that this is a fit case where Matrimonial Suit no. 42 of 2021 pending before the Learned District Judge, Kalimpong to be transferred to an Additional District Judge at Kurseong.

Accordingly, the said suit being Matrimonial Suit no. 42 of 2021 pending before the Learned District Judge, Kalimpong shall be transferred to an Additional District Judge at Kurseong.

The District Judge at Kalimpong is directed to take appropriate steps in this regard. After arrival of the cause papers at the transferee Court, notice shall be given to both the parties and the date may be fixed for their appearance.

The revisional application being C.O. 106 of 2021 is, thus, ***allowed***.

(Harish Tandon, J.)