

18.04.2022
Ct. 3
D/L 8
ab

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

C.O. 112 of 2021

Smt. Mousumi Mukhopadhyay Samajdar
nee Sarkar
-Vs-
Sri Nrisingha Prasad Sarkar @ Gadai

Mr. Avrojoyti Das,
Ms. Radhika Agarwal,
Mr. Amit Saha,
Ms. Shakshi Agarwal,

... for the petitioner

Mr. Avrojoyti Das, 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 upon the learned advocate representing the opposite party in the Court below.

None appears from the side of the opposite party when the matter is called on.

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

Heard the learned advocate for the petitioner.

The petitioner/wife by filing the present application under Section 24 of the Code of Civil Procedure has prayed for transfer of the Matrimonial

Suit No. 157 of 2018 from the Court of learned Additional District and Sessions Judge at Alipurduar to the Court of learned District Judge at Hooghly or any other Court under the jurisdiction of the learned District Judge, Hooghly.

It has been contended by the petitioner/wife that the marriage between the petitioner and the opposite party took place at village Paschim Jitpur, Post Office-Bholardabri, Police Station Alipurduar in the district of Alipurduar on 07.12.2015. They were blessed with a female child on 05.03.2018. That due to some matrimonial misunderstanding and differences, the parties have been residing separately since 15.04.2017.

It has been further contended that the petitioner/wife filed a suit for divorce being Matrimonial Suit No. 157 of 2018. The petitioner/wife is an assistant teacher and is presently posted at Bandel Vidyamandir at Bandel, District-Hooghly where she is residing with her minor child and along with her ailing parents. She wants that the matrimonial suit filed by her and pending before the Court of learned Additional District and Sessions Judge, Alipurduar be transferred to the Court of the learned District Judge, Hooghly where she is at present residing and working. It would be a hardship on her part to travel all the way from Bandel to Alipurduar leaving behind her minor child and ailing

parents to attend the Court to conduct hearing of the divorce suit filed by her.

Considering the convenience and inconvenience of the parties and the fact that the petitioner/wife has to travel all the way from Bandel to Alipurduar, let the Matrimonial Suit No. 157 of 2018 be withdrawn from the Court of learned Additional District and Sessions Judge at Alipurduar and be transferred to the Court of learned District Judge, Hooghly, 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, Alipurduar shall transfer the records of Matrimonial Suit No. 157 of 2018 to the Court of the learned District Judge, Hooghly within a period of 30 days from the date of communication of this order.

The parties shall appear before the learned District Judge, Hooghly on 16.05.2022 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 Judge, Hooghly, shall act on such communication.

The transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached.

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

Accordingly, **C.O. 112 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.)