

Court No. 652

CO 32 of 2023

16.03.2023

(AD 276)

(S. Banerjee)

Smt. Papia Sarkar

Vs.

Sri Ashim Biswas

Mr. Sanjib Bandyopadhyay

Mr. Manoj Kumar Mondal

Mr. Sidhartha Ghosh

... for the petitioner

Mr. Sabyasachi Chatterjee

Ms. Kiran Sh.

... for the opposite party

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Misc. Case No. 18 of 2022 under Section 25 of the Guardian and Wards Act, pending in the court of learned District Judge, Nadia to the court of learned Additional District Judge, North 24 Pargahas at Barrackpore.

Petitioner contended that the petitioner was married with the opposite party as per Hindu customs on 03.01.2006 which was registered subsequently on 13.02.2007. They are blessed with a male child who was born on 14.02.2018 and the child is presently residing with the petitioner. It is further submitted that both the parties have filed a suit for mutual divorce under Section 13B of the Hindu Marriage Act which is pending for disposal. It is further submitted that all of a sudden the opposite party initiated the aforesaid proceeding

under the Guardian and Wards Act for custody of the child which is now pending in the court of learned District Judge, Nadia.

Petitioner submits that she is facing lot of inconveniences in attending the said proceeding at Nadia along with the child as the said court situates at Nadia at a distance of about 75 kilometers from her present place of residence.

Mr. Sabyasachi Chatterjee, learned counsel appearing on behalf of the opposite party, in his usual fairness submits that considering the welfare of the child if the aforesaid prayer for transfer is allowed, his client has got no objection.

Considering the aforesaid facts and circumstances of the case, the prayer made by the petitioner is allowed.

Learned District Judge, Nadia at Krishnanager is hereby directed to withdraw Misc. Case No. 18 of 2022 pending in the court of learned District Judge, Nadia and to transmit the same to the court of learned District Judge, North 24 Parganas at Barasat within a period of three weeks from the date of communication of the order, who in turn will transfer the same to the court of learned Additional District Judge, Barrackpore within a period of three weeks thereafter. The transferee court shall issue fresh notice upon both the parties intimating

next date of hearing and will proceed from the stage it reached till date.

Department is directed to send a copy of this order to the learned District Judge, North 24 Parganas and the learned District Judge, Nadia immediately.

CO 32 of 2023 is accordingly disposed of.

(Ajoy Kumar Mukherjee, J.)