

Item No. 143
26.07.2023
Court. No. 19
GB

C.O. 636 of 2023
With
CAN 1 of 2023

Anita Bose
Vs.
Smt. Rakhi Bose & Anr.

Mr. Amit Baran Dash,
Ms. Ankana Sarkar

...for the Petitioner.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the opposite party no.1.

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of Misc. Case No.30 of 2022 presently pending before the Court of learned Additional District Judge, at Asansol to the court of learned District Judge, South 24 Parganas at Alipore.

The Misc. case was filed by Smt. Rakhi Bose, daughter-in-law of the petitioner. The son Shantanu Bose predeceased the mother. The marriage was solemnized on 04.5.1996. The said widow has sought for maintenance from her mother-in-law/petitioner under Section 19 of Hindu Adoption and Maintenance Act.

The petitioner is 82 years old and she is facing a lot of inconveniences in attending the aforesaid proceeding, in Asansol Court and as such, she has sought for the aforesaid transfer. The petitioner claims to be bed ridden.

Considering the age of the petitioner and also because the opposite party/daughter-in-law has not come up before

this Court to contest the proceeding despite service, this Court is of the view that for the ends of justice, Misc. Case No.30 of 2022 presently pending before the Court of learned Additional District Judge, at Asansol should be transferred to the court of learned District Judge, South 24 Parganas at Alipore.

Accordingly, the learned District Judge, Paschim Burdwan is directed to transfer the Misc. Case No.30 of 2022 which is pending before the Court of learned Additional District Judge, at Asansol to the court of learned District Judge, South 24 Parganas at Alipore. The learned District Judge, South 24 Parganas at Alipore shall either hear the matter himself or assign the matter to any other court of competent jurisdiction at Alipore court. The transferee court, upon receipt of the records, shall issue notice to all the parties.

Accordingly, the revisional application along with connected application are disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)