

S/L 179
05.01.2023
Court No.652
SD

CO 779 of 2022

Priya Chowdhury @ Priya Pramanick nee Chowdhury
Vs.
Anupam Pramanick

Mr. Rajdeep Bhattacharya
Ms. Swarnali Saha

...for the Petitioner.

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous
Ms. Tithi Majumder

...for the Opposite Party.

Supplementary affidavit-in-opposition filed by the opposite party and affidavit-in-reply to the supplementary affidavit-in-opposition filed by the petitioner in Court today be kept with the record.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.383 of 2017 pending before the Court of learned Additional District Judge, Fast Track Court-II, at Basirhat to the Family Court at Kolkata.

The petitioner contended that the marriage between the petitioner and the opposite party was solemnized on 06.12.2013 according to Hindu rites and customs. The petitioner alleged that she was driven out from her matrimonial house and for such she has lodged a complaint at Basirhat Police Station.

Now, the opposite party/husband has filed the aforesaid suit for dissolution of marriage on the ground of

adultery which is pending before the learned Additional District Judge, Fast Track Court-II at Basirhat.

Petitioner/wife has alleged that she is facing various threats from the opposite party and his men and agents as she refused to settle the case taking meagre amount of money. She further alleged, on 11.9.2021 at about 7 p.m., while she was returning she was threatened with dire consequences by three unknown miscreants to settle the dispute out of court, otherwise she will be killed and that is why it has become difficult for her to conduct the aforesaid matrimonial suit in the Court at Basirhat. She further submits that she is presently residing at Dhakuria which is at a distance of 80 kms. from Basirhat Court. Accordingly, she has sought for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party denied all the material allegations by filing affidavit-in-opposition. He also submits that the petitioner has not filed any document to show that she is presently residing at Dhakuria.

However, at the time of hearing, learned counsel appearing on behalf of both the parties agreed that if the aforesaid matrimonial suit pending before the court of learned Additional District Judge, Fast Track Court-II, Basirhat be transferred to the court of learned District Judge at Alipore, neither party will have a cause to prejudice.

Considering the submissions made by the parties and consent given by the parties, learned District Judge, North

24 Parganas at Barasat is hereby directed to withdraw the Matrimonial Suit No.383 of 2017 presently pending before the court of learned Additional District Judge, Fast Track Court-II at Basirhat and to transmit the case record to the Court of learned District Judge, South 24 Parganas at Alipore for disposal within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up further proceeding of the suit.

Department is directed to serve a copy of this order to the learned District Judge, North 24 Parganas at Barasat as well as the learned District Judge, South 24 Parganas at Alipore.

With these observations, C.O. 779 of 2022 is disposed of.

There will be no order as to costs.

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

(Ajoy Kumar Mukherjee, J.)