

9.1.2023
201
Ct. no. 652
sb

C.O. 1311 of 2022

Bibekananda Maiti
Vs.
Smt. Priyanka Banerjee (Maiti)

Mr. Kalyan Kr. Panda
Mr. Nirmalya Dhara ...for the petitioner

Mr. Shehnaj Tarej Mina
Ms. Vaswati Chakraborty
Mr. Rajib Lochan Chakraborty
Mr. Pratick Sardar ...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure for transfer of the Matrimonial suit no. 83 of 2020 presently pending before the court of learned Additional District Judge, Kalna to the court of learned District Judge, Purba Medinipore.

The petitioner/husband contended that the petitioner was married with the opposite party. The opposite party/wife has filed a suit for dissolution of marriage which is presently pending in the court of learned Additional District Judge, Kalna. The petitioner/husband is facing lot of difficulties in contesting the said suit at Kalna as the petitioner has no residential accommodation in Kalna, Burdwan and the distance involved between the court at Kalna and the petitioner's residence is about 216 kilometres in one

way. Accordingly, petitioner has prayed for aforesaid transfer.

During hearing of the aforesaid suit, learned counsels for both the parties submit that if the aforesaid suit is transferred in the court of learned Additional District Judge, Sealdah having jurisdiction to try the aforesaid matrimonial suit, then neither will have a cause to prejudice.

In view of the aforesaid submissions made by both the parties and also in view of the consent given by both the parties, the learned District Judge, Purba Burdwan, Kalna is directed to withdraw the matrimonial suit no. 83 of 2020 presently pending before the court of learned Additional District Judge, Kalna and to transmit the same to the court of learned District Judge, South 24 parganas, Alipore 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, Sealdah having jurisdiction to try the suit within a period of three weeks thereafter.

The transferee court shall serve fresh notice upon both the parties intimating the next date of hearing before proceeding further with the aforesaid suit.

The department is directed to send a copy of the order to the learned District Judge, South 24 parganas, Alipore and learned District Judge, Purba Bardhaman at Sadar Bardhaman.

Accordingly, C.O. 1311 of 2022 is disposed of.

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

(Ajoy Kumar Mukherjee, J.)