

27.09.2023
Court No. 19
Item no.09
CP

C.O. No. 2019 of 2023

Sri Ujjwal Diwakar Singh
Vs.
Smt. Mahashweta Bose

Ms. Pooja Shukla

.....for the petitioner.

Mr. Prabal Kr. Mukherjee, Sr. Advocate
Mr. Gaurav Purkayastha
Mr. S. Choudhury

.....for the opposite party.

Both the parties appear before this court and submit that the Matrimonial Suit No. 9 of 2017 has not progressed since 2021, as the court of the learned Additional District Judge, 11th Court at Alipore, has been vacant for the last two years.

The order sheets which have been annexed, also indicate the same. The wife is the petitioner before the court below and the husband is the petitioner here who seeks such transfer.

Mr. Mukherjee, learned senior advocate for the wife/opposite party, submits that necessary orders should be passed for expeditious disposal of the Matrimonial Suit, by another court of competent jurisdiction. It is also submitted that an application for maintenance pendente lite is pending, being Misc. Case No. 763 of 2017.

Both the parties agree that orders may be passed by this court directing a court of competent

jurisdiction to hear both the proceedings parallelly and adjudicate the same, in accordance with law.

Thus, this court passes the following directions

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- a) The learned District Judge at Alipore, South 24 Parganas shall transfer the Matrimonial Suit No. 9 of 2017 to a court of competent jurisdiction at Alipore by withdrawing the same from the docket of the learned Additional District Judge, 11th Court.
- b) The transferee court shall issue notice to all the parties, upon receipt of the records and dates shall be fixed accordingly.
- c) The order, by which the parties had agreed that the suit shall remain stayed till disposal of the Misc. Case is hereby withdrawn. Both the parties are now anxious that the suit should be disposed of immediately and they express their consent on this aspect.
- d) The learned transferee court shall proceed with the hearing of the misc. case as also the suit parallelly and dispose of each of the proceedings within a year from the date of receipt of records.

The revisional applications are accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)