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26.07.2023

CO 260 of 2022
Sri Kalyan Krishna Nandi
Vs.
Smt. Nita Nandi (Mani)

With
CO 2370 of 2022
Sri Kalyan Krishna Nandi
Vs.
Smt. Nita Nandi (Mani)

Mr. Kalyan Krishna Nandi

... .. petitioner-in-person

Mr. Atindranath Misra

... .. for the opposite party

Both the revisional applications are taken up together as the parties and the prayers of the petitioner in both the applications, are the same.

The petitioner seeks transfer of the pending applications filed in Matrimonial Suit No.157 of 2010 as also the execution proceedings filed by the wife, which are pending before the learned Additional District Judge, First Court at Barasat, District North 24-Parganas, to any other Court. MAT Suit No.157 of 2010 had been dismissed for default.

It is submitted that Misc. Case No.4 of 2017 has been filed in connection with Matrimonial Suit No.157 of 2010 for restoration of the Matrimonial Suit.

It appears that an application for drawing up proceedings on the allegation of perjury committed by the wife, is also pending.

Upon consideration of the pleadings and upon hearing the parties, it appears that the petitioner has serious reservations about his matters being taken up by the learned Additional District Judge, First Court at Barasat.

The petitioner relies on some orders passed by this Court in W.P.A. 8291 of 2021. There were certain observations with regard to the conduct of the learned Additional District Judge, First Court at Barasat, by a co-ordinate Bench. Allegedly, papers were not being handed over by the learned Judge to the SDPO, Barasat, despite direction of this Court.

Hence, this Court finds that in order to dispel all doubts in the mind of the petitioner, the records of MAT Suit No.157 of 2020 and Misc. Case No.4 of 2017 should be withdrawn by the learned District Judge, North 24-Parganas, Barasat from the Court of the learned First Additional District Judge at Barasat and assigned to any other competent court having jurisdiction, at Barasat. The learned District Judge is directed to complete the above exercise within four weeks from date of communication of this order. All other pending applications filed in connection with Matrimonial Suit No.157 of 2010 and the Execution Case and Perjury Case arising out of the said suit, shall be transferred as directed hereinabove.

If the Matrimonial Suit is restored, learned transferee Judge shall hear the other pending application(s).

The transferee judge will issue notices to the parties, upon receipt of the records.

The Execution Case shall be heard separately on its own merits, by the transferee court.

The order passed by His Lordship dated January 6, 2023 is taken on record.

This Court also directs that the petitioner shall be at liberty to approach the learned transferee court for certified copies of orders, which according to the petitioner, were not supplied. If such prayer is made, the learned court shall look into the matter.

Accordingly, C.O. 260 of 2022 and C.O. 2370 of 2022 are disposed of.

However, there shall be no order as to costs.

Parties to act on the server of the order.

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

(Shampa Sarkar, J.)