

9.1.2023
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Ct. no. 652
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C.O. 2451 of 2022

Smt. Baishakhi Mukherjee
Vs.
Shri Debojyoti Mukherjee

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal ...for the petitioner

Mr. Sutirtha Nayek ...for the opposite party

This is an application under Section 24 of the Code of Civil Procedure for transfer of Act VIII case no. 34 of 2022 presently pending before the court of learned District Judge, Bankura to the court of learned Additional District Judge, Arambag, Hooghly.

The petitioner contended that the petitioner was married with the opposite party according to Hindu Rites and customs on 8th March, 2012. They are blessed with a male child who is presently aged about six years, is staying with the mother/petitioner herein at Selampur, Goghat, Hooghly.

Learned counsel for the petitioner submits that as the ward resides with her mother/petitioner within the jurisdiction of the Arambag court, so the Arambag court has the jurisdiction to hear and dispose of the said application. She further submits that the petitioner has initiated a proceeding at Goghat Police Station which is

pending before the Arambag court where the opposite party/husband would be required to attend. She further submits that the distance between the petitioner's residence at Goghat and the court at Bankura is about 137 kilometres. Accordingly, she has prayed for aforesaid transfer.

Learned counsel for the opposite party has given consent to such transfer. In view of the aforesaid facts and circumstances of the case and the consent given by the opposite party and also considering the fact that the ward at present is residing with the mother/petitioner within the jurisdiction of Arambag court, learned District Judge, Bankura is hereby directed to withdraw the Act VIII case no. 34 of 2022 presently pending before the court of learned District Judge, Bankura and to transmit the same to the court of learned District Judge, Hooghly at Chinsurah 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, Arambag having jurisdiction to try the same 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, Hooghly at Chinsurah and learned District Judge, Bankura.

Accordingly, C.O. 2451 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.)