

06.09.2023
Sl. No.163&164(DL)
srm

C.O. No. 64 of 2023
Smt. Namrata Singh
Versus
Sri Vivek Shaw

With
C.O. No. 3549 of 2022
Smt. Namrata Singh
Versus
Sri Vivek Shaw

Mr. Debabrata Ray

...for the Petitioner/Wife.

Mr. Partha Pratim Roy,
Mr. Anirban Das

...for the Opposite Party/Husband.

C.O. 3549 of 2020 is an application for transfer of Matrimonial Suit No.135 of 2017, which is pending before the learned Additional District Judge, 4th Court at Barasat, North 24-Parganas, to a court of competent jurisdiction at Alipore, South 24-Parganas.

The wife seeks transfer, only on the ground that the learned court below has not been proceeding with the suit expeditiously, although there were two earlier directions of the High Court.

C.O. No.64 of 2023 is also an application filed by the wife for transfer of Misc. Case (Act VIII) No.152 of 2016, which is pending before the learned Additional District Judge, 4th

Court at Barasat, North 24-Parganas, to a court of competent jurisdiction at Alipore, South 24-Parganas also, on the ground of delay.

The learned Advocate for the petitioner/wife submits that as reconciliation failed, the proceedings must be disposed of expeditiously. Orders have already been passed by the High Court in this regard in respect of the matrimonial suit, but the learned court below was reluctant to take up the matter. Hence, finding no other alternative, the wife has approached this Court for transfer of both the proceedings.

Mr. Roy, learned Advocate appearing on behalf of the opposite party/husband submits that the delay in disposal of the proceedings cannot be ground for transfer of both the proceedings to another court. Both the parties reside within the jurisdiction of Barasat court.

Having heard the learned Counsel for the respective parties, this Court agrees with Mr. Roy that grounds for transfer are not cogent. However, the anxiety caused to a litigant owing to the delay in disposal of the proceedings, cannot also be overlooked. Thus, while this Court does not entertain the prayers for transfer of the proceedings, this Court mandates that the learned Additional District Judge, 4th Court at Barasat, North 24-Parganas, shall dispose of the matrimonial

suit as also the (Act VIII) Misc. Case No.32 of 2016 within a period of one year from the next date fixed.

This court has neither gone into the merits of the matrimonial suit nor into the merits of the misc. case.

Upon disposal of the proceedings, a report shall be filed with the learned Registrar General, High Court, Calcutta, indicating compliance.

Both the revisional applications are, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)