

10.01.2023
Item No.11
Ct. No.7
CHC
(disposed of)

C.O. 3816 of 2022

Dr. Bhubandeeep Mukhopadhyay
Vs.
Smt. Sudeshna Mukhopadhyay

Mr. Suhrid Sur
...for the petitioner

Mr. Tanmoy Chowdhury,
Ms. Ritoprita Ghosh
...for the opposite party

Adverting attention to order dated 25th November, 2019, passed in Misc. Case No.45 of 2019, permitting transfer of Matrimonial Suit No.908 of 2012 (renumbered as Mat. Suit No.469 of 2013) and Mat. Suit No.568 of 2018, Mr. Suhrid Sur, learned advocate appearing for the petitioner submits that both the suits mentioned above have already been transferred from the court of learned Additional District Judge, 1st Court, Serampore to learned Additional District Judge, Fast Track Court, Chandernagore for the speedy disposal.

As per submission disclosed by the petitioner whenever both these Matrimonial Suits have been directed to be transferred to transferee court, all the pending applications together with Misc. Cases, if any connected therewith, have to be transferred to the

transferee court, otherwise there may be conflict of opinions in the event of Misc. Case filed by either of the parties to this case being decided by different courts.

Per contra, Mr. Chowdhury, learned advocate appearing for the opposite party submits that the Misc. Case filed before Serampore Court by the wife should be allowed to be continued before the transferor court, because the lis of Misc. Case as well as the lis of Matrimonial Suit is quite different, and this should be considered in different perspective.

Having considered the submission of both sides, the Court is not prepared to accept the submission as advanced by the learned advocate for the opposite party/wife, the reason being is that whenever both the suits have already been transferred to Chandernagore Court to Serampore Court, all the applications and the Misc. Cases filed connected with those two Mat Suits, mentioned hereinabove, have to be taken up by the transferee court.

While taking up such interlocutory application in both the Mat. Suits including Misc. Case, appropriate opportunity of hearing should however, be extended to both the parties.

When there is nothing available at the moment that the order passed under Section 24 C.P.C. has

been challenged before any superior forum at this stage, the pending Misc. Cases should not be allowed to be continued by the transferor court, i.e. Serampore Court. The Misc. Case along with connected interlocutory applications, if there be any, still left untransmitted to the transferee court, same may be transferred to the transferee court within three weeks from the date of communication of this order upon notice to the opposite party.

The revisional application stands disposed of.

The amount, however, granted by the transferee court before the order of transfer under Section 24 C.P.C. will however remain alive.

Parties are directed to make communication of this order to the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)