

CRR No. 357 of 2024

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CRAN 1 of 2024

In the matter of : Bibekananda Ray petitioner.

Mr. Shibaji Kr. Das
Mr. Dipyendu Sarkar
Ms. Debalina De ...for the petitioner.

Mr. Arijit Ganguly ...for the State.

Report submitted by the State is taken on record.

The private opposite party is not represented despite service.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the matrimonial suit being No.2799 of 2018 which was pending before the learned District Judge, South 24 Parganas, Alipore was transferred to the District Judge, North 24 Parganas at Barasat by an order passed by this Court on 26th February, 2019 in CO 4270 of 2018.

The case under Section 125 of the Code of Criminal Procedure filed by the opposite party was also transferred to the Court of the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas by the learned Chief Judicial Magistrate, North 24 Parganas by an order passed on 4th August, 2022 in CMC No.3 of 2021.

Learned counsel submits that the opposite party has been filing execution cases in Basirhat Court in connection with the maintenance case.

The innocuous prayer of the petitioner is for transfer of such execution cases from Basirhat Court to the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas and further direction upon the opposite party to file further cases, if any, before the learned Judicial Magistrate, Barasat.

Since both the matrimonial suit as well as the application under Section 125 of the Code are pending before Barasat Court, the execution cases pertaining to the maintenance case being M 304 of 2017 pending before the learned Additional Judicial magistrate, Basirhat be transferred to the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas.

In the event the private opposite party chooses to initiate any further litigation against the petitioner in connection with the maintenance case, the same be filed before Barasat Court and not Basirhat Court.

With the above observations and directions, the revisional application being CRR 357 of 2024 is disposed of.

Consequently, the application being CRAN 1 of 2024 is disposed of.

Case Diary be returned.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)