

07.08.2024
(D/L-39)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 1066 of 2023

Smt. Madhurima Bhattacharyya

-Vs-

Sri Agnishwar Bhattacharyya

Mr. Uttyya Ray,
Mr. Anrab Mandal,

... For the Petitioner.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

This is an application under Section 24 of the Code of Civil Procedure, none appears to oppose the application in spite of service.

The opposite party is the husband of the applicant, he has filed a suit for dissolution of the marriage between the parties by a decree of divorce being *Matrimonial Suit No. 163 of 2023* which is pending before the Court of learned District Judge, 24 Parganas (South) at Alipore.

The applicant is praying withdrawal of the said suit from the said Court and transfer of it to the Court of learned District Judge, Purba Bardhaman, *inter alia* on the grounds that she is residing in Purba Bardhaman, as such, it would be inconvenient for her to travel a distance of about 110 km to Alipore to contest the said Matrimonial Suit, besides, a proceeding for maintenance under Section 125 Cr.P.C filed by the applicant is pending before the competent criminal Court at Purba Bardhaman, which the opposite party is contesting.

The inconvenience pleaded by the applicant in attending the said Court at Alipore cannot be ruled out, that apart, all the proceedings between the parties should be brought to one place to save the unnecessary expenses and time of the parties;

considering all these aspects, the prayer of the applicant is allowed.

However, since no affidavit-in-opposition has been invited, the allegations made in the application are deemed to have been denied by the opposite party.

Let the *Matrimonial Suit No. 163 of 2023 (Sri Agnishwar Bhattacharyya vs. Smt. Madhurima Bhattacharyya)* be withdrawn from the Court of learned District Judge, 24-Parganas (South) at Alipore and be transferred to the Court of learned **District Judge, Purba Bardhaman**, who on receipt of the said suit, may either keep the same in his own file or may transfer it to any Court competent to try and dispose of the said suit under his Judgeship.

The said suit, after transfer, shall proceed from the stage at which it has already reached.

The applicant is directed to communicate this order to the opposite party.

The department is directed to communicate this order immediately to the Court of learned **District Judge, 24-Parganas (South) at Alipore** as well as to the Court of learned **District Judge, Purba Bardhaman**.

C.O. 1066 of 2023 is allowed with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)