

04.04.2024
Sl. No.3375(ML)
srm

CAN 1 of 2024
With
C.O. No. 1293 of 2023
Smt. Dr. Dipannita Chakrabarty
Versus
Dr. Harish Chandra Gupta

Mr. Dhananjay Nayak
...for the Applicant/Petitioner.

Mr. Kushal Chatterjee,
Mr. Oishik Chatterjee
...for the Opposite Party.

Re : CAN 1 of 2024

Affidavits-of-service are taken on record.

This is an application for restoration of the application being C.O. No.1293 of 2023 upon recalling the order dated January 1, 2024, by which the application being C.O. No.1293 of 2023 had been dismissed for default.

Having perused the grounds stated in paragraphs 3 and 4 of this application, this Court is satisfied that the petitioner was prevented by sufficient cause from attending the Court when the application was dismissed for default.

Let the order dated January 1, 2024 be recalled.

The application being C.O. No.1293 of 2023 is restored to its original file and number.

The application being CAN 1 of 2024 is allowed and disposed of accordingly.

Re: C.O. No. 1293 of 2023

The petitioner is the wife, who prays for transfer of Matrimonial Suit No.1159 of 2022, which is pending before the learned Additional District Judge, 15th Court at Alipore, South 24-Parganas, to the court of the learned Additional District Judge at Barrackpore, North 24-Parganas.

The petitioner contends that her children live with her and it is difficult for her to commute to Alipore.

Records reveal that the petitioner is a doctor. The petitioner is working in a hospital at Belegghata and her residential address is Dum Dum. The husband also is a doctor and resides at Salt Lake.

Considering the fact that both are professionals and busy doctors, a convenient place suitable for both, should be fixed for adjudication of the matrimonial dispute.

Under such circumstances, the application is allowed with a direction upon the learned District Judge at Alipore, South 24-Parganas, to transmit the records with regard to Matrimonial Suit No.1159 of 2022, and assign the same to a

competent court of the learned Additional District Judge at Sealdah, South 24-Parganas, for disposal of the matrimonial suit. It will be convenient for both parties to contest the suit at Sealdah. Upon receipt of records, the transferee court shall issue notice to the parties and proceed expeditiously with the disposal of the suit.

The application is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)