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Ct. No. 19
04.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 1351 of 2023

Smt. Priya Shaw

Vs.

Lakhman Kumar Gupta

Ms. Trisha Rakshit,
Ms. Rajashree Tah,
Ms. Aishwarya Datta ... For the applicant.

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

In spite of service, none appears on behalf of the opposite party.

The parties to the instant application under Section 24 of the Code of Civil Procedure are husband and wife.

The husband, the opposite party herein has filed a suit being Matrimonial Suit No. 330 of 2020 for dissolution of the marriage between the parties by a decree of divorce. The said suit is pending before the 1st Court of the learned Additional District Judge, Serampore, District – Hooghly.

On the other hand, the suit filed by the wife, the applicant herein for restitution of the conjugal rights between the parties being Matrimonial Suit No. 185 of 2021 is pending before the Court of learned District Judge, District- Purba Bardhaman at Burdwan.

The wife, by the present application, is praying withdrawal of the suit for divorce from the Court where it is now pending and transfer of it to the Court where the suit for restitution of conjugal rights is pending for analogous hearing and disposal of the said suits.

The other grounds on which such withdrawal and transfer of the said suit for divorce has been prayed for is the pendency of the proceedings for maintenance between the parties before the competent Criminal Court at Purba Bardhaman which the husband is contesting and that the applicant would face immense inconvenience to go to Serampore to contest the said suit for divorce as it is 82 kms away from her place of residence.

A suit for dissolution of marriage and a suit for restitution of conjugal rights are required to be heard analogously, besides, to avoid the unnecessary expenses and inconvenience of the parties, all pending proceedings between them should be brought in one place. The inconvenience alleged by the applicant in attending the Court at Serampore, in view of the distance between her place of residence and the said place, also cannot be ruled out.

In the backdrop of the facts and circumstances as discussed above, the prayer of the applicant deserves to be allowed.

Therefore, let the Matrimonial Suit No. 330 of 2020 (*Sri Laxman Kumar Gupta vs. Smt. Priya Shaw*) be withdrawn from the docket of the 1st Court of the learned Additional District Judge, at Serampore, District – Hooghly and be transferred to the Court of learned District Judge, District- Purba Bardhaman at Burdwan.

The said learned District Judge, upon receipt of the records of the said suit, may either keep it in his own file or may transfer it to any Court under his judgeship competent to try and dispose of the said suit. The suit, after transfer shall proceed from the stage where it has already reached.

The applicant shall communicate this order to the opposite party.

The department is directed to communicate this order immediately to the aforementioned two courts.

C.O. 1351 of 2023 is allowed with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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.)