

S/L 39
04.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1497 of 2023

Srimayi Biswas

Vs.

Arun Kumar Ghosh

Ms. Rashmi Roy

...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. 332 of 2020 for dissolution of the marriage between the parties by a decree of divorce. The said suit is pending before the Court of the learned Additional District Judge, Fast Track Court-II, Chinsurah, District-Hooghly.

On the other hand, the suit filed by the wife for restitution of conjugal rights between the parties being Matrimonial Suit No. 580 of 2021 is pending before the Court of learned Additional District Judge, Fast Track Court- IV, Barasat, District- 24 Parganas(North).

The wife, by the present application, is praying withdrawal of the said suit for divorce along with the Misc. case thereto being Misc. Case No. 37 of 2021 for alimony pendente lite from the Court where the said proceedings are now pending and transfer of those proceedings to the Court where the said

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 proceeding for maintenance between the parties before the competent criminal Court at Barasat, which the husband is contesting and that the applicant is ailing from cardiac abnormalities as such, would face immense inconvenience to go to Chinsurah to contest the said suit for divorce as it is 75 kms away from her place of residence.

A suit for divorce and a suit for restitution of conjugal rights are required to be heard analogously, besides, to avoid unnecessary expenses and inconvenience of the parties, all pending proceedings between them should be brought in one place. The inconvenience pleaded by the applicant in attending the said Court at Chinsurah, 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. 332 of 2020 (*SRIMAYI BISWAS vs. ARUP KUMAR GHOSH*) along with Misc. Case No.37 of 2021 be withdrawn from the docket of the **Court of the learned Additional District Judge, Fast Track Court-II, Chinsurah, District-Hooghly** and be transferred to the **Court of learned Additional District Judge, Fast Track Court-IV, Barasat, District- 24 Parganas(North)**. The said suit, after transfer, shall proceed from the point at which 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 aforesaid two Courts.

CO 1497 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 copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)