

07.08.2024
(D/L-35)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2454 of 2022

Smt. Moumita Maiti

-Vs-

Sri Dhananjoy Maity

Mr. Amitava Karmakar,
Mr. Dhananjay Banerjee

... 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 a decree of judicial separation with the applicant being *Matrimonial Suit No. 105 of 2020* which is pending before the Court of learned Additional District Judge at Bishnupur, District: Bankura.

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 Medinipur at Tamluk, *inter alia*, on the grounds that she is residing at Tamluk, as such it would be inconvenient for her to travel a distance of about 130 km to Bankura and contest the said Matrimonial Suit, besides, other proceedings between the parties are pending before the jurisdictional Magistrates at Tamluk.

The inconvenience(s) pleaded by the applicant in attending the Court at Bankura to contest the said Matrimonial Suit cannot be ruled out; that apart, all the pending proceedings between the parties should be brought at one place to save unnecessary

expenses and time; considering 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. 105 of 2020 (Sri Dhananjoy Maity vs. Smt. Moumita Maity)* be withdrawn from the Court of learned Additional District Judge at Bishnupur, District: Bankura and be transferred to the Court of learned **District Judge, Purba Medinipur at Tamluk**, who on receipt of the said suit, may either keep it in his own file or may transfer it to any Court competent to try and dispose of the said Matrimonial 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 **Additional District Judge at Bishnupur, District– Bankura** as well as to the Court of learned **District Judge, Purba Medinipur at Tamluk**.

C.O. 2454 of 2022 is thus allowed 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.)