

07.08.2024
(D/L-42)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2850 of 2023

Jully Kumari Dubey

-Vs-

Shashi Kumar Mishra

Mr. Siva Prasad Ghosh,

Ms. Srijani Mukherjee,

... For the Petitioner.

Affidavit-of-service filed on behalf of the applicant 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 restitution of conjugal rights between the parties being *Matrimonial Suit No. 587 of 2023* which is pending before the Court of the learned District Judge, Paschim Bardhaman at Asansol.

The applicant is praying withdrawal of the said suit from the said Court and transfer of it to the Court of learned Additional District Judge at Sealdah, District: 24-Parganas (South), *inter alia* on the grounds that she is residing at Ultadanga along with her minor son, as such it would be inconvenient for her to travel to Asansol to contest the said Matrimonial Suit, besides, other proceedings are pending between the parties before the jurisdictional Magistrates at Sealdah, District: 24 Parganas (South).

The inconvenience(s) pleaded by the applicant in attending the Court at Asansol to contest the said Matrimonial Suit cannot be ruled out; that apart, all the proceedings between the parties should be brought to one place to save 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Let the *Matrimonial Suit No. 587 of 2021 (Shashi Kumar Mishra vs. Jully Kumari Dubey)* be withdrawn from the Court of learned District Judge, Paschim Bardhaman at Asansol and be transferred to the Court of learned **District Judge at Alipore, District: 24-Parganas (South)**, who on receipt of the said suit, shall transfer it to **any Court of Additional District Judge at Sealdah**, competent to try and dispose of the said suit.

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 the learned **District Judge, Paschim Bardhaman, at Asansol** as well as to the Court of learned **District Judge at Alipore, District- 24-Parganas (South)**.

C.O. 2850 of 2023 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.)