

S/L 3
24.7.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3036 of 2023

Sumita Das
Vs.
Bappaditya Dutta

Mrs. Arundhati Banerjee

...for the Petitioner.

Mr. Souvik Das

...for the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure.

The matter has been brought to the list at the instance of the applicant for extension of the interim order but by consent of the party, it is taken up for final disposal.

The marriage between the parties has been dissolved by a decree of divorce on mutual consent; they have a minor son who is in the custody of the mother, the petitioner herein.

The father, the opposite party herein, praying custody of his minor son has filed an application under Section 25 of the Guardians and Wards Act, 1890 in the Court of learned District Judge, Paschim Medinipur being *Act VIII Case No.13 of 2019*.

The mother, the applicant herein is praying withdrawal of the said proceeding from the Court where it is now pending and transfer of it to the Court of learned District Judge, Purba Bardhaman, *inter alia* on the grounds that since she is living with the child at Purba Bardhaman, it would be difficult for her to travel to Paschim Medinipur to contest the said proceeding.

The child admittedly is residing within the jurisdiction of the learned District Judge, Purba Bardhaman.

Section 9 of the said Act of 1890 mandates that an application in respect to the guardianship of the person of the minor

shall be made to the District Judge having jurisdiction in the place where the minor ordinarily resides.

Therefore, apart from the inconvenience pleaded by the applicant, the proceeding is required to be transferred to the Court of the learned District Judge, Purba Bardhaman.

Therefore, the *Act VIII Case No.13 of 2019 (Sri Bappaditya Dutta vs. Smt. Sumita Das)* be withdrawn from the Court of learned District Judge, Paschim Medinipur and be transferred to the Court of learned District Judge, Purba Bardhaman for trial and disposal of the same.

The learned District Judge, Purba Bardhaman may keep the records of the said proceeding either in his own file or may transfer it to any Court under in his judgeship, competent to try and dispose of the same.

On transfer, the said proceeding shall commence from the stage at which it has already reached.

CO 3036 of 2023 is disposed of with the above terms, there shall be no 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 of all requisite formalities.

(Biswajit Basu, J.)