

07.08.2024
(D/L-44)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3102 of 2023

Shreyasi Jha
-Vs-
Sabyasachi Jha

Mr. Rajdeep Bhattacharya,
Ms. Adrija Bhattacharya,
... For the Petitioner.

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

None appears on behalf of the opposite party in spite of service.

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

The parties are husband and wife, they have two sons, who are in custody of the mother, the applicant herein.

The father of the said children, the opposite party herein, has initiated a proceeding under Section 25 of the Guardians and Wards Act, 1890 being Act VIII Case no. 16 of 2023 before the Court of learned District Judge, District-Paschim Bardhaman at Asansol.

The applicant is praying withdrawal of the said proceeding from the said Court and transfer of it to the Court of the learned District Judge, District- Malda *inter alia* on the grounds that she is residing at Malda along with her two minor sons, as such, it would be highly inconvenient for her to travel a distance of 245 kilometres to Asansol to contest the said proceeding, besides the other proceeding for maintenance under Section 125 Cr.P.C. and proceeding under the provisions of the Protection of Women from Domestic Violence Act, 2005, both filed by the applicant, are pending before the jurisdictional Magistrates at Malda, in one of which the husband has entered appearance and is contesting.

Apart from the inconvenience pleaded by the applicant to contest the pending proceeding at Asansol, the children are residing within the jurisdiction of the learned District Judge, District-Malda. Section 9 of the said Act of 1890 mandates initiation of the said proceeding in the Court of said learned District Judge.

In view of the aforesaid, let the records of the Act VIII Case no. 16 of 2023 (*SABYASACHI JHA vs. SHREYASI JHA*) be withdrawn from the Court of learned District Judge, District-Paschim Bardhaman at Asansol and be transferred to the Court of the learned District Judge, District-Malda, who, on receipt of the records of the said proceeding, either may keep it in his own file or may transfer it to any Court under his Judgeship competent to try and dispose of the said proceeding.

The said suit, after transfer, shall proceed from the stage at which it has already reached.

The department is directed to communicate this order to the Court of the learned District Judge, Asansol, District- Paschim Bardhaman as well as the to the Court of the learned District Judge, District-Malda.

Since no affidavit-in-opposition has been invited, the allegations made in the application are deemed to have been denied by the opposite party.

C.O. 3102 of 2023 is disposed of 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.)