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Ct. No. 19
04.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 3095 of 2022

**Moumita Dhara
Vs.
Sri Mohan Dhara**

Mr. Subimal Ghorai ... For the applicant.

Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee ... For the opposite party.

Affidavit-of-service and the supplementary affidavit filed on behalf of the applicant be kept with the record.

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. 1175 of 2021 for dissolution of the marriage between the parties by a decree of divorce. The said suit is pending before the 7th Court of the learned Additional District Judge, Midnapur, District-Paschim Medinipur.

The wife, by the present application is praying withdrawal of the said suit from the said Court and transfer of it to the Court of the learned District Judge, District- Purba Medinipur at Tamluk on the ground of pendency of the proceeding for maintenance between the parties before the competent criminal Court at Tamluk which the husband is contesting.

The other ground on which such withdrawal and transfer of the said suit for divorce has been prayed for is that the applicant is suffering from various gastrological and gynecological ailments, as such, she would face immense inconvenience to go to Midnapur

to contest the said suit for divorce as it is 168 kilometres away from her place of residence.

To avoid unnecessary expenses and inconvenience of the parties, all the pending proceedings between them should be brought in one place. The inconvenience alleged by the applicant in attending the Court at Midnapur, 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. 1175 of 2021 (***SRI MOHAN DHARA vs. SMT. MOUMITA DHARA***) be withdrawn from the docket of the 7th **Court of the learned Additional District Judge, Midnapur, District-Paschim Medinipur** and be transferred to the **Court of the learned District Judge, District-Purba Medinipur at Tamluk.**

The said learned District Judge, upon receipt of the records of the said suit, may either keep it in his own file or may transfer it to any Court under his judgeship competent to try and dispose of the said suit. The suit, after transfer shall proceed from the stage where it has already reached.

The department is directed to communicate this order immediately to the aforementioned two Courts.

C.O. 3095 of 2022 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)