

24.04.2024
Sl. No.729&730(ML)
srm

C.O. No. 1836 of 2023
Smt. Riya Adhikary (Bhowmick)
Versus
Sri Debjijt Adhikary
With
C.O. No. 3354 of 2023
Sri Debjijt Adhikary
Versus
Smt. Riya Adhikary (Bhowmick)

Mrs. Soma Chowdhury (Bandhu)
...for the Petitioner in CO 1836/2023 &
the opposite party in CO 3354/2023.

Mr. Atanu Basu,
Mr. Indranuj Dutta,
Ms. Benazir Sk.
...for the Petitioner in CO 3354/2023 &
the opposite party in CO 1836/2023.

1. As the parties in both the applications are same and prayers for transfer have been made by each other, the matters are taken up analogously.
2. C.O. No.1836 of 2023 is an application filed by the wife praying from transfer of Matrimonial Suit No.1975 of 2021, which is pending before the learned Additional District Judge, 9th Court at Alipore, South 24-Parganas, to the court of the learned Additional District Judge at

Serampore, Hooghly. The grounds for such transfer are distance and illness.

3. C.O. No.3354 of 2023 is an application filed by the husband seeking transfer of Matrimonial Suit No.444 of 2022, which is pending before the learned Additional District Judge, 2nd Court, at Serampore, Hooghly, to a competent court at Howrah. The grounds for transfer are inconvenience and a persisting knee injury.
4. The wife filed the suit for restitution of conjugal rights and the husband has filed the suit for divorce. Thus, the issues involved in both the suits are similar and the suits should be tried analogously by a court which is convenient for both the parties.
5. I find that the Howrah Court is a convenient place and accessible to the parties with minimum travel.
6. Thus, the applications are disposed of with the following directions:
 - (a) The learned District Judge, Hooghly at Chinsurah, is directed to transmit the records of Matrimonial Suit No.444 of 2022 to the learned District Judge, Howrah. The learned District Judge, Howrah will assign the matter to a competent court.

(b) The learned District Judge, South 24-Parganas at Alipore, will transmit the records of Matrimonial Suit No.1975 of 2021 to the learned District Judge, Howrah and the learned District Judge, Howrah shall assign the suit to the same court before which Matrimonial Suit No.444 of 2022 is assigned.

(c) The transferee court, upon receipt of records, shall dispose of both the suits analogously, upon issuing notice to the respective parties.

7. Both the applications are, thus, disposed of.

8. There shall be no order as to costs.

9. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)