

29.02.2024
Item No.21
gd/ssd

CO/3379/2023
TUMPA PANDIT
VS
ABHINASH PANDIT @ ABINASH

Mr. Mohammed Amin,
Ms. Kashif
..for the Petitioner.

Mr. Kuntal Banerjee,
Ms. Sreemoyee Mukherjee
..for the O.P.

The wife, who claims to be a resident of Beadon Street, Kolkata, has filed this application under Section 24 of the Code of Civil Procedure praying for transfer of the Matrimonial Suit being No.601 of 2022 pending before the learned Additional District Judge at Durgapur.

It has been specifically stated in the said application that the petitioner has filed a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 being Criminal Miscellaneous Case No.27 of 2023 and a Maintenance Case No.34 of 2023 under Section 125 of the Criminal Procedure Code.

The proceedings under the 2005 Act is pending before the learned Additional Metropolitan Magistrate at Calcutta and the maintenance case under Section 125 of the Criminal Procedure Code is

pending before the learned Principal Judge, Family Court at Calcutta.

It is not in dispute that the opposite party is contesting the said proceedings at Kolkata.

Considering the fact that criminal cases are pending at Kolkata and the opposite party herein is contesting the same and also the convenience of the petitioner being a wife who resides at Kolkata, this court is of the considered view that the matrimonial suit which is pending before the learned Additional District Judge at Durgapur is to be transferred to a Court at Kolkata.

This court, therefore, directs transfer of the aforesaid matrimonial suit between the parties from the court of the learned Additional District Judge at Durgapur to the court of the learned Additional District Judge, 2nd Court at Sealdah.

The learned Additional District Judge at Durgapur is directed to transmit the records of Matrimonial Suit No.601 of 2022 to the court of the learned Additional District Judge, 2nd Court at Sealdah forthwith and the learned Additional District Judge, 2nd Court at Sealdah upon receipt of the said records shall proceed with the matrimonial suit in accordance with law.

Registry is directed to communicate this order to the Court of learned Additional District Judge at Durgapur and the transferee Court.

With the above directions and observations, CO 3379 of 2023 is disposed of.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)