

22.03.2024
Item No.20
gd/ssd

CO/3441/2023
SMT. PUJA DAS
VS
GAURANGA DAS

Ms. Meghla Das
..for the petitioner.

The is an application for transfer of Matrimonial Suit No.826 of 2021 pending before the learned Additional District Judge, Fast Track 2nd Court at Serampore.

It has been stated in the said application that it is difficult for the petitioner to attend the Court of the learned Additional District Judge, Fast Track 2nd Court at Serampore to contest the Matrimonial Suit as the petitioner is staying at Village-Birudiha in the district of Purba Bardhaman. It has also been stated in the said application that a male child born on 21st July, 2012 is residing with the petitioner. It has been further stated in the said application that a proceeding under Section 12 of the Domestic Violence Act as well as the proceeding under Section 125 of the Criminal Procedure Code are pending before the learned Additional Chief Judicial Magistrate at Durgapur.

The learned advocate appearing for the petitioner submits that the husband/opposite party herein is contesting the said proceedings under the

Domestic Violence Act as well as under the Criminal Procedure Code before the Durgapur Court.

In spite of service none appears to oppose this application.

The allegations contained in the application under Section 24 of the Code of Civil Procedure remains uncontroverted and in view of the submission of the learned advocate appearing for the petitioner that the opposite party is contesting the proceedings before the learned Additional Chief Judicial Magistrate at Durgapur, this court is inclined to transfer the Matrimonial Suit No.826 of 2021 from the court of the learned Additional District Judge, Fast Track 2nd Court at Serampore to the court of the learned Additional District Judge at Durgapur considering the convenience of the wife.

The learned Additional District Judge, Fast Track 2nd Court at Serampore is directed to remit the records of the Matrimonial Suit No.826 of 2021 to the Court of the learned Additional District Judge, Durgapur forthwith.

Registry is directed to communicate this order to the Court of the learned Additional District Judge, Fast Track 2nd Court at Serampore and the transferee Court.

With the above directions and observations, CO 3441 of 2023 is allowed.

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.)