

29.07.2024
Item No.42, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 3770 of 2022

**Smt. Baisakhi Chowdhury
-Vs-
Debmalya Chattopadhyay**

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Aishwarya Datta,
Ms. Bidisha Chakraborty.
.....for the petitioners.

Mr. Tapas Kumar Ghosh,
Mr. Tanmoy Chowdhury.
.....for the opposite party.

Affidavit-in-opposition to the application and reply thereto, filed by the parties, be kept with the record.

The opposite party has filed a suit for annulment of his marriage with the applicant by a decree of nullity.

The said suit was initially filed before the Court of the learned District Judge, District-Birbhum, however, on an application under Section 24 of the Code of Civil Procedure filed by the applicant being C.O. 1175 of 2018, His Lordship, the Hon'ble Justice Sahidullah Munshi, by an order dated June 20, 2018 had directed withdrawal of the said suit from the said Court and transfer of it to the Court of the learned Additional District Judge, Bolpur, District : Birbhum.

This applicant, by the present application under Section 24 of the Code is praying withdrawal of the said suit being Matrimonial Suit No. 103 of 2018 again from the Court of the learned Additional District Judge, Bolpur, District : Birbhum and transfer of it to the Court of learned District Judge, District-Purba Bardhaman *inter alia*, on the grounds that the opposite party is a very influential person of Bolpur, he and his men and agents are

harassing her when she is going to Bolpur to attend the proceedings of the said suit. She has filed a police complaint in support of her such allegation.

In the affidavit-in-opposition to the application, the opposite party has denied the said allegation and has produced documents to demonstrate that the petitioner is a voter of the Bolpur constituency and the father of the petitioner, admittedly has a flat at Bolpur.

Learned advocate for the opposite party produces the copy of the order of the learned Trial Judge dated July 23, 2024 whereby the learned Trial Judge, during the pendency of the instant application, has allowed the prayer of the petitioner for alimony *pendente lite* on contest.

The complaint with the Police itself is not sufficient to hold that the opposite party and his men and agents are harassing the petitioner at the time when she visits the Court at Bolpur. However, the opposite party is cautioned about the said allegation of the applicant.

In view of the age of the suit and its stage, this Court is not inclined to entertain the prayer of the petitioner for withdrawal of the said Matrimonial Suit from the Court where it is now pending and transfer of it to the Court of learned District Judge, District-Purba Bardhaman.

C.O. 3770 of 2022 is thus disposed of with the above terms without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)