

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

CO 66 of 2024

**Smt. Aritri Das @ Aritri Das Bhowmik
-versus-
Sri Benoy Brata Bhowmik**

Mr. Nirmalya Chatterjee,
Mr. Arijit Ghosh,
Ms. Swarnali Sengupta Ghosh,
Ms. Angana Rakshit

....for the petitioner.

This is an application filed by the plaintiff in a suit, being Matrimonial Suit No.409(10) of 2021. The plaintiff has sought for dissolution of marriage in the said matrimonial suit filed under the provisions of Section 13(1) of the Hindu Marriage Act, 1955.

The plaintiff says that by an order dated 1st September, 2022 it was recorded that despite repeated opportunity is being granted, the husband/opposite party did not file his written statement and as such, the suit was directed to be heard ex parte. The date of ex parte hearing of the suit was fixed on 21st December, 2022. The suit, according to the petitioner, has not progressed any further from that stage.

Referring to an order dated 10th May, 2024, the petitioner says that the opposite party/husband has been given a last opportunity to file written statement on the condition that he will not be allowed to raise any

issue regarding the counter-claim. The counter-claim, according to the learned advocate for the petitioner, is a matrimonial suit instituted by the husband before the District Court at Balurghat seeking restitution of the conjugal rights which has been numbered as MAT 1 of 2024. The said suit, according to the petitioner, has been filed in 2024 only to delay the petitioner's suit.

The petitioner also says that after filing the suit before the District Court at Balurghat, the opposite party has filed an application under Section 24 of the Code of Civil Procedure, 1908 (in short CPC) before the Court of the learned Additional District Judge, 1st Court, Siliguri for transfer of the Matrimonial Suit No.409(10) of 2021 instituted by the wife to the Court of the learned District Judge at Balurghat. The application, according to the petitioner, is thoroughly misconceived and should not to be entertained by the Court as it does not possess the jurisdiction to transfer the suit. The opposite party, according to the petitioner, in this fashion is only delaying the hearing of the suit.

In the aforesaid facts and circumstances, I find justice will be sub-served if I direct the Additional District Judge, 1st Court, Siliguri to dispose of the Matrimonial Suit No.409(10) of 2021 within a period of one year from the date of communication of a server copy of this order without insisting upon production of a certified copy thereof.

The learned Additional District Judge, 1st Court, Siliguri shall not grant any unnecessary adjournment to either of the parties.

Nothing further remains to be adjudicated in this revisional application. The same is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)