

Ct. No. 12.08
3 2024
35
akb

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Civil Revisional Jurisdiction**

C.O. 108 of 2024

**Satabdi Sarkar
-Versus-
Bhaskar Dey**

**Mr. Subhasish Misra
Mr. Satyajit Paul**

...For the Petitioner

The application, being C.O. 108 of 2024 is
detagged from the application, being C.O. 107 of 2024.
Opposite party is not represented.

This is an application wherein the petitioner has
sought for transfer of the proceeding, filed by
husband/opposite party herein, being Misc. Judicial Case
No. 5 of 2024 under Sections 8 and 12 of the Guardian and
Wards Act, (Act VIII of 1890) from the Court of learned
District Judge at Jalpaiguri to the Court of learned District
Judge, Sadar, Coochbehar.

It is submitted on behalf of the petitioner that the
ward, who is now aged about 2 years is presently staying
with the mother/petitioner. Moreover, the distance between
her present place of residence and the Court at Jalpaiguri is
about 117 kms in one way. She further alleged that the child
is suffering from malnutrition and she is facing difficulty in
attending the said Court at Jalpaiguri from her present place

of residence at Tufanganj, Coochbehar along with her minor child. Accordingly, she has sought for the aforesaid transfer.

I have considered the submissions made on behalf of the petitioner. It appears from the unchallenged averments made by the petitioner that the child is presently residing with the mother at Tufanganj, Cooch Behar, Section 9(1) of the Guardian and Wards Act, (Act VIII of 1890) provides that the jurisdictional Court in such cases would be the place where the child originally resides. Since in the present context the child originally resides with the petitioner in the District of Coochbehar, I find substances in the petitioner's present application for transfer and accordingly it is allowed.

Learned District Judge, Jalpaiguri is hereby directed to withdraw the Misc. Judicial Case No. 5 of 2024 from his file and to transmit the same to the Court of learned District Judge, Coochbehar within a period of three weeks from the date of communication of this order.

The transferee Court shall hear the aforesaid proceeding from the stage where it reached till date. The transferee Court shall hear the matter after serving notice upon the parties intimating the next date of hearing.

The application, being C.O. 108 of 2024 is accordingly disposed of.

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

(Ajoy Kumar Mukherjee, J.)

