

M/L - 136
18/03/2025
Court. No. 6
S.Kundu

C.O. 1770 of 2024

**Smt. Poonam Singh
Vs.
Sri Amit Kumar Singh**

Mr. Birendra Kumar Jha,
...for the petitioner.

This application under Section 24 of the Code of Civil Procedure is at the instance of the wife praying for transfer of the matrimonial suit presently pending before the learned Additional District Judge, 2nd Court at Serampore to the learned District Judge at Alipore, South 24 Parganas.

In course of the hearing of the application, learned advocate appearing for the petitioner submits that the learned Additional District Judge, 2nd Court at Serampore lacks jurisdiction to try and entertain the matrimonial suit, in view of the fact that neither the marriage was solemnised within the jurisdiction of the learned Trial Judge nor the parties to the marriage lastly resided together within the jurisdiction of the learned Trial Judge.

He further submits that the respondent in the matrimonial suit/petitioner herein was residing at place outside the jurisdiction of the learned Trial Judge at the time of presentation of the petition under Section 13 of

the Hindu Marriage Act. He submits that an application under Section 151 of the Code of Civil Procedure has been filed in that regard.

Taking note of the fact that the petitioner has appeared in the matrimonial suit which is pending before the learned Additional District Judge, 2nd Court at Serampore and has raised an objection with regard to the jurisdiction of the learned Trial Judge, this Court is of the considered view that the ends of justice would be sub-served if at this stage the learned Trial Judge is directed to hear out the application under Section 151 of the Code expeditiously.

In view of the order sought and proposed to be passed there is no necessity to direct issuance of any notice upon the opposite party. However, learned advocate on record of the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or upon the learned advocate representing the opposite party before the learned Trial Judge.

In the light of the submissions made by the learned advocate for the petitioner C.O. 1770 of 2024 is disposed of by requesting the learned Additional District Judge, 2nd Court at Serampore to take the hearing of the said application under Section 151 of the Code of Civil Procedure on the next date fixed i.e. 17th June, 2025 as expeditiously as possible without

granting any unnecessary adjournments to either of the parties.

It is, however, made clear that since the petitioner has raised the issue of jurisdiction of the learned Trial Judge to try and entertain the matrimonial suit, this Court has not entered into the merits of the claim of the wife for transfer of the matrimonial suit.

In view thereof, this Court is not inclined to consider the prayer for transfer at this stage.

Accordingly, C.O. 1770 of 2024 is disposed of.

(Hiranmay Bhattacharyya, J.)