

Court No. 6
(265719)

17.03.2025
(AD 2)
(S. Banerjee)

CO 2818 of 2024

Payal Neogi nee Ghosh
Vs.
Rupam Neogi

Mr. Rwitendra Banerjee
Mr. Arindam Sen
Mr. Sourav Basu
Mr. Sandip Kundu

...for the petitioner

Ms. Smita Pal

...for the opposite party

It has been uniformly submitted by the learned advocates for the parties that the mediation has failed.

Though the matter is appearing under the heading 'To be mentioned', with the consent of the parties the main application under Section 24 of the Code of Civil Procedure is taken up for hearing by treating the same as on the day's list.

This application under Section 24 of the Code is at the instance of the wife praying for transfer of the Matrimonial Suit No. 1622 of 2024 presently pending before the Court of the learned Additional District Judge, 2nd Court at Barrackpore to the Court of the learned District Judge, Hooghly at Chinsurah.

It is not in dispute that various proceedings between the parties are pending in the Court of Hooghly.

G. R. Case No. 180 of 2022, arising out of Pandua Police Station Case No. 40 of 2022, is presently pending before the learned Chief Judicial Magistrate, Hooghly where the evidence of the prosecution witnesses are going on. An Act VIII case no. 76 of 2020 is also pending before the learned District Judge, Hooghly. A proceeding under Protection of Women from Domestic Violence Act, being M. C. No. 131 of 2022, is pending before the learned Judicial Magistrate, 3rd Court at Chinsurah, Hooghly. That apart, a proceeding under Section 125 of the Code of Criminal Procedure, being Misc. Case No. 20 of 2022, is pending before the learned Judicial Magistrate, 1st Class, 4th Court, Chinsurah.

It has been submitted by the learned advocate for the opposite party that G. R. Case No. 180 of 2022, arising out of Pandua Police Station Case No. 40 of 2022, has been disposed of and the opposite party herein has been acquitted in the said proceeding.

However, the fact remains that the instant matrimonial suit has been filed after institution of the proceedings under Act VIII, Protection of Women from

Domestic Violence Act as well as the proceeding under Section 125 Cr.P.C.

It is not in dispute that the opposite party herein is contesting the aforesaid proceedings before the Hooghly Court.

Considering the convenience of the wife and also the fact that the opposite party is contesting the other proceedings in Hooghly Court, this Court is of the considered view that ends of justice would be subserved if Matrimonial Suit No. 1622 of 2024 is withdrawn from the Court of the learned Additional District Judge, 2nd Court at Barrackpore and transferred to the Court of the learned District Judge, Hooghly at Chinsurah.

Accordingly, CO 2818 of 2024 is disposed of by withdrawing the Matrimonial Suit no. 1622 of 2024 from the file of the Court of the learned Additional District Judge, 2nd Court at Barrackpore, and transferring the same to the Court of the learned District Judge, Hooghly at Chinsurah.

The learned Additional District Judge, 2nd Court at Barrackpore is requested to transmit the record of Matrimonial Suit No. 1622 of 2024 to the Court of the learned District Judge, Hooghly at Chinsurah forthwith.

Upon receipt of the records, the learned District Judge, Hooghly at Chinsurah shall transfer the same to any of the learned Additional District Judge.

There shall be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)