

S/L 61
11.08.2025
Court. No. 3
SR.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CO 106 of 2025

**Dr. Suvajit Chakraborty
v.
Smt. Ananya Ramanandi**

*Mr. Debasish Ray, Senior Advocate
Mr. Amiya Kumar Dutta, Adv.
Mr. Swadesh Priya Ghosh, Adv.
Mr. Hillol Saha Poddar, Adv.*

...for the petitioner.

*Mr. Nabankur Paul, Adv.
Ms. Sutapa Sen Paul, Adv.
Mr. Bodhisatya Ghosh, Adv.
Mr. Ajit Kumar Mahato, Adv.*

..for the opposite party.

1. This is an application under Section 24 of the Code of Civil Procedure at the instance of the revisionist/husband.
2. For effective adjudication of the instant application some admitted facts as involved in the present revisional application are needed to be discussed and those are as under: -
 - i) Both the petitioner/husband and the opposite party/wife are medical practitioners;
 - ii) The petitioner/husband is presently working at R.G. Kar Medical College and Hospital, Kolkata;
 - iii) The opposite party/wife has her parental home at Dinhata in District - Cooch Behar. However, she is posted at Jalpaiguri Medical College and Hospital in the department of Community Medicine;
 - iv) The marriage between the petitioner/husband and the opposite party/wife was solemnized on 15th January, 2021 as per Special Marriage Act.

- v) Due to some alleged matrimonial discord, the petitioner/husband has filed a suit for restitution of conjugal right, which is now pending before the Learned Additional District Judge, First Track Court-I at Sealdah being Matrimonial Suit No.13 of 2023;
 - vi) Subsequent thereto, the opposite party/wife herein filed Matrimonial Suit No.132 of 2024, for dissolution of marriage, which is pending before the Learned Additional District Judge, Dinhata at Cooch Behar.
3. It is submitted by Mr. Ray, learned senior advocate appearing on behalf of the petitioner/husband that both the suits are in the peremptory board under the heading “Further Hearing” before the respective Courts.
 4. It is further contended by Mr. Ray that since the petitioner/husband is a Doctor of R.G. Kar Medical College and Hospital at Kolkata, the petitioner/husband is facing extreme difficulty to reach Dinhata in district Cooch Behar for his appearance and giving instruction to his learned advocate in connection with Mat. Suit No.132 of 2024, since the distance between Kolkata and Dinhata is too long and as a result whereof, the petitioner being a medical practitioner is facing extreme difficulty to discharge his duty at R.G. Kar Medical College and Hospital at Kolkata.
 5. It is submitted by Mr. Ray that in the event both the suits i.e. Matrimonial Suit No.13 of 2023 as filed by the petitioner/husband and Matrimonial Suit No.132 of

2024 as filed by the opposite party/wife are transferred to a Court, which is situated in between Kolkata and Dinhata, the same would be convenient for the revisionist petitioner.

6. Such contention, however, is opposed by Mr. Paul, learned advocate appearing on behalf of the opposite party/wife. It is submitted by Mr. Paul that the grounds taken in the instant application under Section 24 of the Code of Civil Procedure is frivolous inasmuch as Matrimonial Suit 132 of 2024 as pending before the Additional District Judge, Dinhata is in the stage of peremptory hearing and in a civil suit personal appearance of a party to a suit is not mandatory except for adducing evidence.
7. It is further submitted by Mr. Paul that in the event the prayer as made by the revisionist/husband is allowed that would cause immense hardship to the opposite party/wife, who is not only a lady but also a Doctor of Jalpaiguri Medical College and Hospital.
8. Mr. Paul, thus, submits it is a fit case for dismissal of the instant application.
9. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that the parties to the aforementioned two suits are identical. It further appears to this Court that in order to avoid any contradictory judgment, it is desirable both the aforementioned two suits namely, Matrimonial Suit No.13 of 2023 as pending before the

Additional District First Track Court-I at Sealdah and Matrimonial Suit No.132 of 2024 as pending before the Learned Additional District Judge, Dinhata, District-Cooch Behar are to be tried by one Court.

10. Sufficient materials have been placed before this Court to substantiate that both the revisionist/husband and the wife/opposite party are medical practitioners and both of them are in the health service of Government of West Bengal, namely, the husband/petitioner is posted at R.G. Kar Medical College and Hospital while the wife/opposite party is posted at Jalpaiguri Medical College and Hospital.
11. It is equally undisputed that both the aforementioned two suits are now in the peremptory board.
12. Considering the entire factual situation, as discussed herein above, this Court considers that the justice would be sub-served if both the suits are tried by a Court, which is situated at a place in between Kolkata and Dinhata as far as practicable.
13. This Court, thus, while disposing the instant application for transfer, directs the withdrawal of Matrimonial Suit No.13 of 2023 from the file of Additional District Judge, First Track Court-I at Sealdah with immediate effect. Similarly, this Court further directs the withdrawal of Matrimonial Suit No.132 of 2024 from the file of the Learned Additional District Judge, Dinhata, District – Cooch Behar also with immediate effect.
14. This Court further directs that both the case records of Matrimonial Mat. Suit No.13 of 2023 and Matrimonial

Suit No.132 of 2024 be placed in the file of the Learned District Judge, Malda for adjudication of both the suits by way of analogous trial for arriving at a logical conclusion of both the aforementioned suits.

15. Department is directed to communicate this order to the Court of Additional District Judge, First Track Court-I at Sealdah and to the Court of Learned Additional District Judge, Dinhata at Cooch Behar for their information and compliance.
16. The Presiding Officer of the said two Courts, namely; Additional District Judge, First Track Court-I at Sealdah and the Court of Learned Additional District Judge, Dinhata at Cooch Behar are hereby directed to take steps for transmission of the case records of aforementioned two Matrimonial Suits to the Court of Learned District Judge, Malda.
17. Department is further directed to communicate another copy of this order to the Learned District Judge, Malda.
18. The Learned District Judge, Malda is hereby directed to come to a logical conclusion of the two aforementioned suits in the light of the observations made hereinabove positively within a period of six months from the date of receipt of the case records of the aforementioned two Matrimonial Suits by himself and he is further directed not to transfer the said two suits to the Court of any other Additional District Judge and/or First Track Court under his jurisdiction.
19. Before parting with, liberty is given to the learned advocate-on-record for the petitioner to communicate

the server copy of this order to the Court of Additional District Judge, First Track Court-I at Sealdah, to the Court of Learned Additional District Judge, Dinhata at Cooch Behar and to the Court District Judge at Malda.

20. The Additional District Judge, First Track Court-I at Sealdah, Learned Additional District Judge, Dinhata at Cooch Behar and the District Judge at Malda are directed to act on the server copies of this order.

21. With the aforementioned observations, the instant revisional application being **CO 106 of 2025** is hereby disposed of.

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

(Partha Sarathi Sen, J.)