

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

Item No.25
04.09.2025
Court. No. 1
GB

CO 132 of 2025

Sangita Sha
VS
Prakash Sha

*Mr. Subhasish Misra,
Mr. Satyajit Paul*

...for the Petitioner.

*Ms. Madhushri Dutta,
Mr. Amitava Debnath*

...for the Opposite Party.

1. Both the parties submit that it would be convenient if the proceeding arising out of Matrimonial Suit No.52 of 2019 being Misc. Case No.01 of 2021 filed under Order 9 Rule 13 of the CPC for setting aside the ex parte judgment and decree, which is pending before the learned Additional District Judge at Mathabhanga, Cooch Behar be transferred to the court of the learned District Judge, Cooch Behar Sadar.
2. Under such circumstances, for the convenient of both the parties, this Court directs the learned Additional District Judge, Mathabhagna, Cooch Behar to transfer the records of Misc. Case No.01 of 2021 along with Matrimonial Suit No.52 of 2019 to the

Court of the learned District Judge, Cooch Behar Sadar.

3. The learned District Judge, Cooch Behar is directed to take up the matter herself or assign to any competent court for hearing of the misc. case and in the event, the misc. case is allowed, the learned court shall proceed with the suit and dispose of the same.
4. This order is not to be construed as an observation of this Court or any opinion expressed on the merit of the pending misc. case.
5. Accordingly, the revisional application is disposed of.
6. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)