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**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION**

C.O. 226 of 2024

Smt. Mallika Das (Dutta) @ Mallika Das

Vs

Sri Uttam Kumar Dutta

Mr. Amit Sinha,
Mr. Bikash Singha.
... For the petitioner.

Affidavit of service filed by the petitioner be taken on record.

None appears on behalf of the opposite party in spite of receiving notice.

The instant application under Section 24 of the Code of Civil Procedure is filed with a prayer for transfer of Misc (Guardianship) Case No. 14 of 2024 filed by the opposite party/ husband who is a resident of 1 No. Kalighat Raod, Near Purba Guriahati School, P.O- Guriahati, Police Station-Kotwali, District:- Cooch Behar.

According to petitioner she is a house wife, resident of Medical More, Kwakhari, P.O:- Shushrut Nagar, Police Station-Matigara, District: Darjeeling. According to petitioner distance between Cooch Behar and Jalpaiguri is almost 141 kilometers and her daughter is also student of Class-I of a school namely Sarada Sishuteertha Ghogomali, Telipara, Siliguri.

Learned counsel appearing on behalf of the

petitioner has submitted that petitioner is a resident of Siliguri and her child is also Class-I student and her daughter is also residing with her at Siliguri. Since they were driven out by the opposite party, her husband.

From the record, it appears that the opposite party/husband filed the suit under Section 25 of the Guardians and Wards Act, 1890 with a prayer for declaring him as guardian of the person of his minor daughter namely Sanjukta Dutta as well as for the custody of the minor.

Learned counsel appearing on behalf of the petitioner has relied on a case of **Sumita Singh vs. Kumar Sanjay and Another** reported in **(2002) AIR (SC) 396** in support of his prayer under Section 24 of the Code of Civil Procedure.

I have gone through the principle enunciated in the judgment of **Sumita Singh (supra)**, wherein Hon'ble Apex Court focused on the convenience of wife.

In the case at hand, there is hardly any dispute that the distance between Cooch Behar and Jalpaiguri is almost 141 kilometers. On the other hand, distance between Siliguri and Jalpaiguri is 40 kilometers which is more convenient for the petitioner/wife to attend the court than the Court at Cooch Behar.

In the view of the matter, the grounds mentioned in the petition are sufficient in support of transfer of Misc (Guardianship) Case No. 14 of 2024 from Cooch Behar to Siliguri.

As a sequel, the Misc (Guardianship) Case No. 14 of 2024 pending before the Court of Learned District Judge, Cooch Behar shall stand transferred to the Court of Learned District Judge, Jalpaiguri, who shall hear it himself or assign it for hearing before the appropriate Court.

With the aforesaid observation, the revisional application stands disposed of.

Department is directed to communicate this order to the Learned District Judge, Cooch Behar, for compliance.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)