

**19.05.2026**  
**Item No.19**  
**Court No. 30**  
**MKP**

**CO 4395 of 2025**

**Manju Roy (Paul)**  
**-vs-**  
**Sudipta Kumar Paul**

Mr. Shraman Sarkar  
Mr. Md.Tehasin Reja

..... for the Petitioner

1. Affidavit of service filed be kept with the record.
2. None appears for the opposite party.
3. Civil revision along with CAN 1 of 2026 is moved.
4. CAN 1 of 2026 is an application for extension of interim order, as the record is being taken for final hearing, CAN application is being taken up together.
5. The revisional application has been preferred by the wife/petitioner praying for transfer of Matrimonial Suit no. 101 of 2025 pending before the Court of Learned Additional District Judge, Fast Track Court, 2<sup>nd</sup> Court at Malda to the Court of Learned District Judge, Siliguri at Darjeeling.
6. In spite of service, the husband/opposite party is not represented.
7. On hearing the learned counsel for the petitioner and on perusal of the materials on record, it

appears that the Matrimonial Suit has been filed in the Fast Track Court, 2<sup>nd</sup> Court at Malda, by the husband/opposite party herein.

8. The petitioner/wife herein resides at Village-Ketugabur Jote Moniram Mallabari, P.O. & P.S.- Naksalbari, District-Darjeeling, Pin- 734 429, along with her child aged 6 years.
9. Considering the said difficulty of the petitioner/wife to travel to Malda Court, on regular basis, when she has a child to look after, this Court relying upon the judgments of the Hon'ble Supreme Court in ***N.C.V. Aishwarya vs A.S. Saravana Karthik Sha, in Civil Appeal No(s). 4894 of 2022 (arising out of SLP (C) No(s). 16465 of 2021), decided on July 18, 2022, (Para 11, 12)***, directs that Matrimonial Suit No. 101 of 2025 be withdrawn from the Court of the Learned Additional District Judge, Fast Track Court, 2<sup>nd</sup> Court at Malda be transferred to the Court of the Learned Additional District Judge, Siliguri at Darjeeling.
10. Learned Additional District Judge, at Darjeeling shall proceed with the suit in accordance with law with due notice upon both the parties.
11. Keeping in mind the case of the opposite party herein, the Learned Additional District Judge shall

be at liberty to permit the opposite party to **appear virtually**, if such prayer is made.

**12. CO 4395 of 2025 is disposed of.**

**13.** Parties to act on the server copy of this order.

**14.** Let a copy of this order be sent to the concerned Courts for immediate compliance.

**(Shampa Dutt (Paul), J.)**