

In the Court of Additional District & Sessions Judge,
2nd Court, Sealdah, South 24 Parganas
Mat. Suit No. 349 of 2016
CIS Registration No.247 of 2017
Present: Smt. Indrila Mukhopadhyay Mitra, Additional District Judge
Judicial Officer's Code : WB00656

Order Number 69 dated 08.09.2025

Parties file respective haziras.

Today is fixed for hearing argument.

While taking the matter for hearing, it has come to my notice that the wife Anamitra Chakraborty nee Chatterjee instituted one revisional application U/s 24 of Code of Civil Procedure, 1908 before the Hon'ble High Court Calcutta and had prayed for transfer of the Matrimonial Suit filed by the OP/husband claiming a decree for divorce which was pending before the Court of Ld. Additional District Judge, 3rd Court, Barasat, North 24 Parganas to the Court of Ld Chief Judge, Family Court at Calcutta or in any Court of the Ld District Judge, South 24 Parganas at Alipore.

The Hon'ble High Court, Calcutta in C.O.-1521 of 2016 considered the fact and was pleased to withdraw the suit from the Court of Ld. Additional District Judge, 3rd Court, Barasat, North 24 Parganas and transferred the same to the Court of Ld Additional District Judge, 1st Court, Sealdah. Ld District Judge, North 24 Parganas was directed to transmit the entire case record of Matrimonial Suit No. 63 of 2015 to the Court of Ld District Judge, South 24 Parganas at Alipore, who shall, in turn transmit the same to the Court of Ld Additional District Judge, 1st Court at Sealdah. The Hon'ble Court also made it clear that the Ld Transferee Court will proceed with the Matrimonial Suit from the stage of process of reconciliation as was fixed before the Court of Ld Additional District Judge, 3rd Court, Barasat, North 24 Parganas. The C.O. No.1521 of 2016 was accordingly disposed of by the Hon'ble High Court, Calcutta.

Ld District Judge, South 24 Parganas at Alipore received the record from Ld District Judge, North 24 Parganas in view of order dt.22.06.2016 passed in C.O. No.1521 of 2016 on 31.08.2016. On the same date, the suit was transferred by the Ld District Judge, South 24 Parganas, Alipore to Ld. Additional District Judge, 1st Court, Sealdah in compliance with the order of the Hon'ble High Court, Calcutta.

Ld Additional District Judge, 1st Court, Sealdah received the case record on 09.09.2016 and the suit was registered as Mat. Suit No.349/2016. Ld Additional District Judge, 1st Court, Sealdah vide order No.9 dated 21.12.2017 transferred the suit to this Court for disposal. This Court received the record on 22.12.2017.

On 01.10.2018 the petitioner/husband filed a petition praying for sending back the case records to the Court of Ld Additional District Judge, 1st Court, Sealdah. On 16.01.2019, the petition was taken up for hearing by my Ld Predecessor in office. The husband/petitioner by filing the petition had stated that in C.O. No.1521 of 2016, the Hon'ble Court has been pleased to

direct Ld. District Judge, North 24 Parganas to expeditiously transmit all the records of Matrimonial Suit No.63/2015 to the Court of Ld. District Judge, South 24 Parganas at Alipore who shall in turn transmit the same to the Court of Ld. Additional District Judge, 1st Court, Sealdah. It was submitted by the petitioner/husband that Ld Additional District Judge, 1st Court, Sealdah transferred the suit to this Court by an administrative order, most probably by mistake as the Hon'ble High Court was pleased to direct Ld Additional District Judge, 1st Court, Sealdah to dispose the instant suit. Accordingly, it was prayed that the case records are required to be sent back to the Court of Ld. Additional District Judge, 1st Court, Sealdah otherwise, the order of Hon'ble High Court, Calcutta passed in CO No. 1521 of 2016 will be violated.

This Court after considering the submissions of both the parties and after perusing the case records and the petition dated 01.10.2018 was of the opinion that this Court does not have jurisdiction to transfer any case from one Court to another. Moreover, this case record was transferred by Ld Additional District Judge, 1st Court, Sealdah by order dated 21.12.2017 and this Court received the record on 22.12.2017. The parties appeared before this Court. Since after appearing, the stage of framing issues was over and the suit was fixed for P.H. by order dated 14.03.2018. After a lapse of 10 months, the petitioner/husband filed this petition before this Court who does not have any jurisdiction to transfer the case record. Accordingly, the petition dt.01.10.2018 was disposed of.

It is felt that the Hon'ble High Court, Calcutta in C.O. No.1521 of 2016 directed Ld. Additional District Judge, 1st Court, Sealdah to dispose of the suit. This Court at the time of taking up the matter for hearing argument informed the entire facts to the parties though Ld. Advocate for the petitioner/husband was aware of the fact and it is intimated by this Court to Ld Advocates of both the parties that as there is a specific direction of Hon'ble High Court, Calcutta in C.O. No.1521 of 2016 that the suit will be disposed of by the Ld Additional District Judge, 1st Court, Sealdah, this Court cannot dispose this suit finally. Ld Advocate for the respondent/wife conceded the same.

In the above situation, write to Ld District Judge, South 24 Parganas at Alipore with a request to withdraw this suit from this Court and to transfer the same to the Court of Ld Additional District Judge, 1st Court, Sealdah as per the direction of Hon'ble High Court, Calcutta passed in C.O. No.1521 of 2016.

Fixing 06.11.2025 for awaiting order from the Ld District Judge, South 24 Parganas at Alipore.

Dict. & Corr. by me,

Addl. Dist. & Sess. Judge, 2nd Court,
Sealdah.

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Sealdah.
(J.O. Code WB00656)