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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)/42/2026

SMTI. RUBY BORDOLOI
WIFE OF DR. DEVA KANTA BORDOLOI, DAUGHTER OF LATE PHANI
KONWAR, RESIDENT OF VILLAGE- SOUTH AVENUE, 3RD FLOOR, 301,
NALAPARA, SAWKUCHI, P.O- SAWKUCHI, P.S- BASISTHA, DISTRICT-
KAMRUP (METRO), ASSAM- 781040

VERSUS

DR. DEVA KANTA BORDOLOI
SON OF LATE KAMALESWAR BORDOLOI, RESIDENT OF CIVIL HOSPITAL,
NEW COLONY, BISWANATH CHARIALI, P.O- CHARIALI, P.S- BISWANATH
CHARIALI, DISTRICT- BISWANATH, ASSAM

Advocate for the Petitioner : MR B P BORAH, MD. A CHOUDHURY,MR R YASIN

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 08.05.2026

Heard Mr. R. Yasin, learned counsel appearing for the petitioner.

By way of this petition under Section 24 of the Code of Civil Procedure, 1908 (hereinafter referred to as "the CPC"), the petitioner seeks transfer of the proceeding in Title Suit Matrimonial (R) Case No. 84/2025, arising out of a petition under Section 9 of the Hindu Marriage Act, 1955, presently pending before the Court of the learned District Judge, Biswanath Chariali, to the Court of the learned Principal Judge, Family Court, Kamrup (M), Guwahati.

Issue notice, returnable on 04.06.2026.

The petitioner shall take steps for service of notice upon the respondent by speed post within 3 (three) working days from today.

Mr. R. Yasin, learned counsel appearing for the petitioner, submits that although two proceedings between the parties are already pending before the competent Court at Kamrup (M), the respondent/husband has instituted the petition for restitution of conjugal rights before the Court at Biswanath Chariali, thereby compelling the petitioner to contest proceedings at a distant forum. It is further submitted that the petitioner is presently residing in a rented accommodation at Guwahati and had recently met with an accident on 19.04.2026. The said fact is prima facie supported by the medical discharge summary annexed to the petition as Annexure-F.

Learned counsel further submits that the matter before the Court at Biswanath Chariali is listed today and, in view of the petitioner's present physical condition and attendant hardship, continuation of the proceeding at this stage would cause serious inconvenience and prejudice to the petitioner. He accordingly prays for interim protection by staying further proceedings in Title Suit Matrimonial (R) Case No. 84/2025 pending before the learned District Judge, Biswanath Chariali.

Having considered the submissions advanced and upon taking note of the materials placed on record, particularly the medical documents indicating that the petitioner had met with an accident on 19.04.2026, this Court is of the prima facie view that an interim arrangement is warranted to safeguard the interest of the petitioner until the respondent enters appearance and the matter is considered in greater detail. The balance of convenience, at this stage, also appears to lean in favour of maintaining *status quo* so as to avoid undue hardship to the petitioner.

Accordingly, further proceedings in Title Suit Matrimonial (R) Case No. 84/2025 pending before the Court of the learned District Judge, Biswanath Chariali shall remain stayed till the returnable date.

JUDGE

Comparing Assistant