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

Case No. : Tr.P.(C)./29/2025

SMT BHANITA SARMA
WIFE OF SRI GUNAJIT SARMA DAUGHTER OF SRI DWIJEN SARMA
PRESENTLY RESIDING VILLAGE- BALIKARIA KHARJARA, NEW COLONY,
P.O.- GOPAL BAZAR, P.S.- NALBARI,, ASSAM,PERMANENT RESIDENT OF
VILLAGE- AMONI, P.O.- CHAMATA, P.S.- BELSOR, PIN-781306, DISTRICT-
NALBARI,

VERSUS

SRI GUNAJIT SARMA
SON OF LATE KARUNA SARMA RESIDENT OF 4C, PARK BLOCK, PROTECH
TULIP, HOCKEY STADIUM ROAD, P.S.- BASISTHA, GUWAHATI, PIN- 781040,
DISTRICT- KAMRUP(M), ASSAM

Advocate for the Petitioner : MR. S N KRISHNATRAYA, S CHOUDHURY

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 16.07.2025

Heard Mr. S.N. krishnatraya, learned counsel for the petitioner.

2. This petition, under Section 24 of the Code of Civil Procedure, 1908, is

preferred by the petitioner for transferring of F.C.(Civil) Case No. 1130/2024, filed by the respondent herein, who is the husband of the petitioner, for dissolution of their marriage by a decree of divorce, which is pending before the Court of learned Principal Judge, Family Court No.1, Kamrup (M) at Guwahati to the Court of learned Principal Judge, Family Court at Nalbari.

3. Mr. Krishnatraya, learned counsel for the petitioner submits that the petitioner is the wife of the respondent herein and the respondent herein has instituted one F.C.(Civil) Case No. 1130/2024, for dissolution of the marriage and the petitioner has not received any notice from the Court. But, she came to know about the same from the notice published in the newspaper which was published as per order of the learned Principal Judge, Family Court No.1, Kamrup (M) at Guwahati and on the basis of the said paper publication she has approached this Court for transferring the aforementioned case to the Court of learned Principal Judge, Family Court at Nalbari, as because of hardship, it would not be possible for her to contest the aforementioned case at Guwahati.

3.1. Mr. Krishnatraya, further submits that two more proceeding between the same parties are pending in the Court at Chief Judicial Magistrate, First Class, Nalbari, and in the Court of Principal Judge, Family Court at Nalbari and as such, Mr. Krishnatraya, has contended to allow this petition and he further contended to stay the proceeding of F.C.(Civil) Case No. 1130/2024, pending in the Court of learned Principal Judge, Family Court No.1, Kamrup (M) at Guwahati, till disposal of the present petition.

4. Having heard the submissions of Mr. Krishnatraya, learned counsel for the petitioner, I have carefully gone through the petition and the documents placed on record.

5. Let notice be issued to the respondent, returnable in 4 (four) weeks.
6. Steps be taken upon respondent by Registered post with A/D as well as by usual process, within a period of one week from today.
7. Further, considering the submissions of Mr. Krishnatraya, learned counsel for the petitioner that two more cases between the same parties are pending before the Court at Nalbari and this Court is inclined to stay further proceeding of F.C.(Civil) Case No. 1130/2024, till returnable date.
8. List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant