

GAHC010170062024



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

Case No. : Tr.P.(C)./83/2024

ASHALATA MITRA BAISHYA ALIAS ASHALATA BAISHYA
W/O- SRI BIMAL MITRA,
D/O- SRI GOPAL BAISHYA,
R/O- VILLAGE- KUSHLAIGURI,
P.O.- PATILADOHA, P.S.- MANIKPUR,
DIST.- BONGAIGAON, ASSAM.
PIN- 783391.

VERSUS

BIMAL MITRA
S/O- LATE NIRANJAN MITRA,
R/O- VILL- BHITORSURTI,
P.S.-TEZPUR, DIST.- SONITPUR,
ASSAM, PIN- 784001.
PRESENTLY SERVING AT- BRO SCHOOL AND CENTRE,
DIGHI CAMP, PUNE- 411015.

Advocate for the Petitioner : MR. B J MUKHERJEE, MS R SAHA

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

11.09.2024

Heard Ms. R. Saha, learned counsel for the petitioner.

This petition under Section 24 of the Code of Civil Procedure, 1908 is preferred by the petitioner for transferring the Title Suit (M) No.124/2024, pending before the Court of learned District Judge, Tezpur, to the Court of learned District Judge, Bongaigaon or to any other appropriate Court at Bongaigaon.

Ms. Saha, learned counsel for the petitioner submits that the petitioner resides at Bongaigaon and she has no source of income. Whereas the respondent is a service holder and he resides at Tezpur, wherein he has instituted the aforesaid Title Suit and that the petitioner is not in a position to contest the aforesaid suit before the Court at Tezpur and therefore, Ms. Saha contended to transfer the same from the Court of learned District Judge, Tezpur, to the Court of learned District Judge, Bongaigaon or to any other appropriate Court at Bongaigaon.

The submission of Ms. Saha needs further consideration. However, at this stage, notice be issued to the respondent, returnable within 4(four) weeks.

Step be taken by registered post with A/D and also by usual process within a week from today.

Having considered the submission of learned counsel for the petitioner and also considering the facts and circumstances on the record, till returnable date, further proceeding of Title Suit (M) No.124/2024, pending before the Court of learned District Judge, Tezpur, stands stayed.

List the matter after 4(four) weeks.

Sd/- Robin Phukan
JUDGE

Comparing Assistant