

GAHC010293212023



2026:GAU-AS:3070

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

Case No. : Tr.P.(C)./119/2023

RUPA DEB
W/O- SABYASACHI BHATTACHARJEE,
D/O- SRI DULAL CH. DEB,
R/O- C/O- HIMANGSHU GHOSH
OF SANTINAGAR (NEAR SWEET CENTER),
NORTH BONGAIGAON,
P.O. AND DIST.- BONGAIGAON,
ASSAM, PIN -783380.

VERSUS

SABYASACHI BHATTACHARJEE
S/O- LT. AMITAVA BHATTACHARJEE,
R/O- HOUSE NO. 18,
SURJYA SEN LANE, BOTERTAL,
MEHERPUR, P.O. AND P.S.- SILCHAR,
DIST.- CACHAR, ASSAM.
PIN- 788015.

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

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

27.02.2026

Heard Mr. B. J. Mukherjee, learned counsel for the petitioner. None appears for the respondent on call, even though notice was served upon him.

2. This petition, under Section 24 of the Code of Civil Procedure, 1908, is preferred by the petitioner for transferring F.C. Civil (G/A) Case No. 22/2023, pending before the Court of the learned Principal Judge, Family Court, Cachar, Silchar, to the Court of the learned District Judge, Bongaigaon, or any other appropriate Court at Bongaigaon.

3. Mr. Mukherjee, learned counsel for the petitioner submits that the petitioner is the wife of the respondent, who has instituted F.C. Civil (G/A) Case No. 22/2023, seeking custody of their minor daughter.

3.1 Mr. Mukherjee, further submits that the petitioner is residing at her parental abode at Bongaigaon with her daughter, and that the petitioner has also instituted one divorce proceeding, being Title Suit (D) Case No. 21/2021, which is also pending before the Court of the learned District Judge, Bongaigaon.

3.2 Moreover, by referring to Section 9(1) of the Guardians and Wards Act, 1890; Mr. Mukherjee submits that the Court of the learned District Judge, Bongaigaon, has the jurisdiction to entertain this petition, as the daughter of the petitioner is residing with her at Bongaigaon.

3.3 Mr. Mukherjee also submits that with the minor girl, it becomes impossible on

the part of the petitioner to contest the aforementioned proceeding at Silchar and under such circumstances, Mr. Mukherjee has contended to allow this petition, by transferring the F.C. Civil (G/A) Case No. 22/2023, pending before the Court of the learned Principal Judge, Family Court, Cachar, Silchar, to the Court of the learned District Judge, Bongaigaon.

4. Having heard the submissions advanced by the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record, and has also gone through the relevant provision of law, i.e., Section 9(1) of the Guardians and Wards Act, 1890.

5. Section 9(1) of the Guardians and Wards Act, 1890, reads as under-

“(1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.”

6. In the instant case, the minor daughter is living with the petitioner, who is residing in her parental abode at Bongaigaon and as such, the Court of the learned District Judge, Bongaigaon, has the jurisdiction to decide the application, seeking the guardianship of the minor daughter. Moreover, the divorce proceeding between the same parties is also pending before the Court of the learned District Judge at Bongaigaon.

7. Accordingly, taking note of the submission of Mr. Mukherjee, learned counsel for the petitioner and also considering the relevant provision of law, i.e., Section 9(1) of the Guardians and Wards Act, 1890; as well as the facts and circumstances on

the record, this Court is inclined to allow this petition.

8. F.C. Civil (G/A) Case No. 22/2023, pending before the Court of the Principal Judge, Family Court, Cachar, Silchar, stands transferred to the Court of the learned District Judge, Bongaigaon.

9. In terms of the above, this transfer petition stands disposed of.

JUDGE

Comparing Assistant