

**05.05.2026**  
**Item No.49**  
**Court No. 30**  
**MKP**

**CO 1441 of 2026**

**Smt.Neha Agarwal**  
**-vs-**  
**Nitesh Kumar Yaduka**

Mr. Raj Kumar Sharma(V/C)  
.....for the Petitioner

- 1.** The revisional application has been preferred by the wife/petitioner praying for transfer of Misc.Case No.11 of 2026, of the Hindu Marriage Act, from the Court of the Learned District and Sessions Judge at Alipurduar, District- Alipurduar, to the Court of the Learned District Judge, at North -24 Paraganas, District-North 24 Parganas.
- 2.** It is the case of the petitioner/wife that she is residing at AF-4/4, Jyangra, Baguiati, P.O.- Deshbandhu Nagar, P.S.-Baguiati, District- North 24 Parganas, Pin- 700059, along with child aged 6 years
- 3.** On the other hand the husband/opposite party is a resident of Bhutan Hardware Compound Near Puja

Hardware, Ambika Earthmovers Building, 1<sup>st</sup> Floor,  
P.O.& P.S.-Jaigoan, District-Alipurduar, Pin-  
736182 and has filed the Misc.Case at Alipurduar.

4. The petitioner/wife now prays that the suit being Misc.Case No. 11 of 2026 pending in the Court of the Learned District and Sessions Judge at Alipurduar, District- Alipurduar, and be transferred to the Court of the Learned District Judge, at North -24 Paraganas, District-North 24 Parganas.
5. Accordingly, in view of the judgment of the Hon'ble Supreme Court in ***N.C.V. Aishwarya vs A.S. Saravana Karthik Sha, in Civil Appeal No(s). 4894 of 2022 (arising out of SLP (C) No(s). 16465 of 2021), decided on July 18, 2022, (Para 11, 12)***, the revisional application is required to be heard in presence of the opposite party.
6. Petitioner is directed to serve upon the opposite party and file affidavit of service on the next date of hearing.
7. Pending hearing of the revisional application under Section 24 of the Civil Procedure Code, the proceedings in Misc.Case No.11 of 2026 pending before the Learned District and Sessions Judge at Alipurduar, District- Alipurduar and be stayed till 30<sup>th</sup> of June, 2026 or until further order whichever is earlier.

**8.** Matter to appear in the **monthly list of June, 2026**  
for further hearing.

**(Shampa Dutt (Paul), J.)**