

ITEM NO.31

COURT NO.2

SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CONTEMPT PETITION(C)NO.488 OF 2011 IN T.P.(C)NO.200/2007

SHIKHA BASU (ASTHNA)

Petitioner(s)

VERSUS

SUDIPTO BASU & ORS.

Respondent(s)

(With office report )

Date: 19/03/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. R.K. Singh, Adv.  
Mr. Kumar Gaurav, Adv.  
Mr. Debasis Misra,AOR.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

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1. On the transfer petition filed by the petitioner-wife, an order had been passed on 12th November, 2010, allowing the same and directing that Matrimonial Suit No.1291 of 2006, filed by

the respondent-husband, pending in the court of learned District Judge, Alipore, in the State of West Bengal, be transferred to the Family Court No.1, at Jaipur in Rajasthan.

2. The present contempt petition(C)No.488 of 2011, was filed in the transfer petition, complaining of the fact that the records of the

case have still not been sent to the transferee court despite the aforesaid order.

3. In that regard, we had by our order of 23rd January, 2012, asked for an explanation from the learned District Judge, District South 24 Parganas, Alipore, in West Bengal, as to why the records had still not been sent to the transferee court at Jaipur.

4. Today, when the matter is taken up, an Office Report has been filed, which does not really take us any further, and, in any event, the explanation sought to be given by the learned District Judge, District South 24 Parganas, Alipore, in West Bengal, is also not very clear as to the actual position. On the one hand, there is a report from the court, supposedly of the Dealing Clerk of the learned

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District Judge, dated 1st July, 2011, which indicates that the records had been sent to the Court of Additional District Judge, 7th, Alipore, for disposal. Thereafter, there are various letters which appear to have been sent to the said court from the Court of District Judge, Alipore, addressed to the Additional District Judge, 7th Court, Alipore, regarding dispatch of the records to the transferee court in Jaipur, Rajasthan.

5. From the correspondence, which has been annexed with the report submitted by the learned District Judge, District South 24 Parganas, Alipore, in West Bengal, nothing is clear as to whether the records have been transmitted till today to the Family Court at Jaipur, Rajasthan.

6. It is rather unusual that a simple explanation asked for has been converted into a complicated exercise and even then, there is no result at the end and we are still in dark as to whether the records have actually been transmitted to the Family Court or not. To add to the mystery, there is a letter dated 9th February, 2012, addressed by the Additional

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District Judge, 7th Court, Alipore, to the learned District Judge, District South 24 Parganas, Alipore, in West Bengal, indicating that the records had been sent to the Nazareth Department of the District Judge on 16th February, 2012.

7. As seen, there is utter confusion in the matter and there is no information as to whether the concerned records have actually been dispatched to the Family Court No.1, Jaipur, Rajasthan.

8. In these circumstances, the Registrar General of the Calcutta High Court is directed to look into the matter and to send an explanation for the delay in sending the records and also to inform this Court as to whether the records have been transmitted to the Family Court No.1 at Jaipur, Rajasthan, or not.

9. Let a copy of this order be communicated to the Registrar General, of the Calcutta High Court, by FAX and let this matter be listed next Monday for further orders, at the top.

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(Sheetal Dhingra)  
COURT MASTER

(Juginder Kaur)  
Assistant Registrar