

01
24.04.2019
Court No.3
Skc/gd

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

C.O. 3 of 2019

Smt. Shweta Agarwar
Vs.
Sri Gaurav Garg

Mr. Srijib Chakraborty
Mr. A. Das
Mr. Rpo hit Agarwal
Mr. Ajay Singhal
Mr. Abhijit Rajha for the petitioner

Mr. Rahul Agarwal ... for the opposite party

The opposite party-husband has been served and is represented by Advocate. It is submitted on behalf of the opposite party that due to a bereavement in the family, the matter should be adjourned and kept beyond a week or so.

The issue is not so complex as to require any adjournment to be granted or prayer for adjournment to even be considered. The wife is the petitioner in proceedings under Section 24 of the Code. The wife has instituted proceedings before the Additional District Judge, First Court at Siliguri. The wife has sought divorce.

The opposite party-husband has filed proceedings under Section 9 of the Hindu Marriage Act, 1955 before

the District Judge at Jalpaiguri. The wife now stays in Siliguri.

Since it is the accepted legal position now that the convenience of the wife is what ought to weigh more with the court, the wife's prayer is allowed and MAT Suit 199 of 2015 and the connected application being Misc Case No.24 of 2016 are directed to be transferred from the Court of the District and Sessions Judge, Jalpaiguri to the Court of the Additional District and Sessions Judge, First Court at Siliguri. The papers should be transferred by a special messenger, if possible, upon costs in such regard to be obtained from the petitioner herein.

C.O. 3 of 2019 is disposed of.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sanjib Banerjee, J.)