

Party Name : SMT. MALLIKA DAS & ORS Vs D.M. & COLLECTOR & ORS

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant application is filed under Section 24 of the CPC for transferring the case vide No. TA 13/2013 from the court of learned District Judge, North Tripura, Dharmanagar to the Court of learned Addl. District Judge, Kamalpur, Dhalai, Tripura.

Mr. Deb, learned counsel for the petitioners submits that the suit land is situated at Mouja Chankap, under Kamalpur Sub-Division and the petitioners are also permanent residents of Kamalpur. Thus, it would be proper to transfer the appeal vide no. TA 13/2013 from the court of learned District Judge, North Tripura, Dharmanagar to the court of learned Addl. District Judge, Kamalpur, Dhalai district.

Ms Lodh appearing on behalf of the respondents submits that the defendant-respondents have no objection to the prayer for transfer as the suit land is situated within the Kamalpur sub-division under Dhalai district.

This Court has also gone through the contentions made in the instant petition.

Considering the entire facts and circumstances and particularly, the contentions made in paragraph 6 and 7, this Court is of the opinion that the case should be transferred from the court of learned District Judge, North Tripura, Dharmanagar to the file of learned Addl. District Judge, Kamalpur, Dhalai district.

Accordingly, it is ordered that the case being TA 13/2013 which is pending before the court of learned District Judge, North Tripura, Dharmanagar is withdrawn from the file of the learned District Judge, North Tripura, Dharmanagar and is transferred to the file of learned Addl. District Judge, Kamalpur, Dhalai.

Learned District Judge, North Tripura, Dharmanagar shall transmit the record of the aforesaid appeal to the learned Addl. District Judge, Kamalpur and after receipt of the same the learned Addl. District Judge, Kamalpur shall issue notice upon the parties in the appeal so that they can appear before the court for hearing of the appeal.

With the aforesaid order, the instant petition for transferring case No. TA 13 of 2013 is allowed and the same is disposed of accordingly.