

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2434 of 2015

In
Misc. Case No. 05 of 2015

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Kajal Mukherjee & Anr

.... Petitioners

Versus

Smt. Gayatri Devi & Ors

.... Opposite parties

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Appearance :

For the Petitioners : Mr. Neeraj Kumar

For the Opposite parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 16-03-2017 Heard learned counsel Mr. Neeraj Kumar for the
petitioners.

It appears that this M.J.C. application has been filed under Section 24 of the Code of Civil Procedure praying for transfer of Miscellaneous Case No.05 of 2015 (wrongly typed as Miscellaneous Case No.05 of 2005) to Patna Civil Court. This miscellaneous case has been filed for restoration of Title Suit No.449 of 2007 in the Court of Subordinate Judge-I, Saran at Chapra.

The only ground raised by the petitioners is that the petitioners are old persons and the opposite parties herein always threaten them to assault whenever they will go to Chapra Court and, therefore, because of fear they are unable to take steps in the miscellaneous case and because of this fact also they could not



take proper steps in the title suit, as a result of which the suit was dismissed.

It appears that there is no statement made in the application regarding stage at which the suit was dismissed. After dismissal of the suit for default the petitioners have filed miscellaneous case for restoration of title suit. So far taking proper step is concerned, it is not explained. Because only apprehension that the defendants will assault, if they go to Chapra court, the title suit cannot be transferred from the court which has got territorial jurisdiction to try the suit to another court.

Thus, the grounds raised by the petitioners are not the grounds for transfer. Accordingly, this M.J.C. application is dismissed.

(Mungeshwar Sahoo, J)

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