

45
sandip
Ct. 18
09.11.2021

**C.O. No. 110 of 2021
CAN 1 of 2021
(Via Video Conference)**

**Bidisha Mondal
Vs.
Dhanu Ghosh & Ors.**

Mr. Santi Ranjan Das,
Mr. Sayantan Rakshit ... For the petitioner.

Mr. Tapash K. Bhattacharya,
Mr. Aviroop Bhattacharya ... For the O.P. Nos. 1 to 4.

Affidavit-of-service filed in Court today be kept with
the record.

Mr. Tapash K. Bhattacharya, learned advocate
appearing on behalf of the opposite party nos. 1 to 4
files affidavit-in-opposition, which is taken on record.

The defendant no. 1 in a suit for partition being
Title Suit No. 147 of 2019 pending before the Court of
learned Civil Judge(Senior Division), Katwa, District –
Purba Burdwan is the petitioner of the present
application under Section 24 of the Code of Civil
Procedure.

The petitioner, by the present application, is
praying withdrawal of the said suit from the Court
where it is now pending and transfer of it to the City
Civil Court, Calcutta on the ground of her
inconvenience to go to Katwa to contest the said suit
from her residence at Kolkata.

The suit has been filed before a competent Court having jurisdiction over the subject-matter, the ground on which the petitioner is seeking withdrawal of the said suit from the said Court is not convincing. This Court, therefore, is not inclined to allow the prayer of the petitioner.

The learned Trial Judge is requested to expedite the disposal of the suit without granting any unnecessary adjournment to either of the parties.

The petitioner in the present proceeding has also filed an application for injunction being CAN 1 of 2021, the order as prayed for in the said application is beyond the scope of the present proceeding. The petitioner is at liberty to approach the learned Trial Judge for the said relief in accordance with law.

Since no reply has been invited from the petitioner, the allegations made in the affidavit-in-opposition are deemed to have been denied by her.

C.O. 110 of 2021 along with CAN 1 of 2021 are disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)