

23.03.2021  
Ct. No.9  
S/L No.3  
KS

**C.O. 955 of 2020**

**Smt. Pratima Roy**

**-Vs.-**

**Sri Palash Ghosh**

**(Via Video Conference)**

Mr. Kushal Chatterjee

.....For the Petitioner

This is an application under Section 24 of the Code of Civil Procedure, 1908 praying for transfer of the Ejectment Suit No.183 of 2018 pending before the learned Civil Judge, (Junior Division), 2<sup>nd</sup> Court at Barrackpore, North 24 Parganas, inter alia, on the grounds stated that the plaintiff had filed suit for a decree of eviction and recovery of khas possession against the defendant before the Civil Judge (Junior Division), 4<sup>th</sup> Court at Sealdah, North 24 Parganas.

The matter appeared before the Court on several occasions and on 03.12.2018 the suit was transferred to the Court of Barrackpore and consequently all the records of the case stood transferred to the Court of the Civil Judge (Junior Division), 2<sup>nd</sup> Court at Barrackpore.

It is submitted that the records are kept in locker/godown and the case record in respect of the instant case is not traceable and not available and accordingly, the petitioner is unable to get any certified copy of the order sheet. The matter had lastly appeared on 01.12.2018 before the Court of the learned Civil Judge (Junior Division), 4<sup>th</sup> Court, Sealdah.

It is submitted that the learned Court at Barrackpore is not functional due to infrastructure and space crunch and as a result the petitioner is suffering from irreparable loss and injury for the reason of case not being heard.

Accordingly, the transfer of the case under reference has been sought for to any other Court under the judgeship of North 24 Parganas at Barasat.

Learned Advocate for the petitioner pressed in service copies of orders passed by this Hon'ble Court in similar cases on similar grounds in CO 1059 of 2020 and CO 1061 of 2020 to submit that now the infrastructure of the Court is in place and the Court has started functioning from October, 2020 with all the facilities. Accordingly, necessary order has been sought for. Now, since, the Court is functional, the prayer for transfer as sought for on behalf of the petitioner is rejected. However, the

learned Court will take all possible steps for expeditious disposal of the suit.

A copy of this order be communicated to the learned Court concerned.

Accordingly, C.O. 955 of 2020 is disposed of without any service of notice upon the opposite party as the same will not prejudice to the opposite parties.

**(Shivakant Prasad, J.)**