

7. 14.01.2021
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CO 1059 of 2020

Ct.9.

Sri Debjyoti @ Debajyoti Mondal vs. Sri Sanjoy Roy

Mr. Debabrata Roy

..For the petitioner.

In this application the petitioner has sought for transfer of Ejectment Suit No. 122 of 2018 pending before the learned Civil Judge (Junior Division), 2nd Court at Barrackpore, North 24 Parganas, inter alia, on the grounds that the plaintiff had filed suit for eviction and recovery of khas possession against the defendant/opposite party before the Civil Judge (Junior Division), 4th Court at Sealdah, North 24 Parganas.

When the matter came up for hearing, the suit was transferred to the Court of Barrackpore on 03.12.2018 and consequentially all records of the case stood transferred to the Court of learned Civil Judge (Junior Division), 2nd Court at Barrackpore. There has been no hearing because there is no proper infrastructure of the said court and the records are kept in locker/godown. It is not possible for the petitioner to obtain certified copy of the order sheet from the record.

It is submitted by the learned counsel appearing for the petitioner that the infrastructure has now been in place and the said court is now functional from October 22, 2020. It is also pointed out that lastly the case has appeared on 1.12.2018 before the learned Civil Judge (Junior Division), 4th Court, Sealdah but after the transfer, no date was fixed for hearing the matter.

Now it is submitted by placing a photo copy of the order dated 20th November 2020 passed in CO 1147 of 2020 that since October 20, 2020 the facility at Barrackpore Court has improved and infrastructure is now sufficient, the case can be heard by the learned court of Civil Judge (Jr. Division), Barrackpore expeditiously.

In consideration of the submission, I find that there is no justification for transfer of the case to any other court from the court of Civil Judge (Jr. Division), 2nd Court at Barrackpore because the court is now functional.

Therefore, this revisional application being CO 1059 of 2020 is disposed of with a direction upon the learned Civil Judge (Jr. Division), 2nd Court, Barrackpore to take up the suit as expeditiously as possible and to dispose of preferably within a period of one year from the date of receipt of the order.

Urgent photostat certified copy of this order be given to the petitioner, if applied for.

(Shivakant Prasad, J.)