

8. 14.01.2021
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CO 1061 of 2020

Ct.9.

Bimal Saha Mondal vs. Smt. Pravabati Saha Mondal & Ors.

Mr. Debabrata Roy

..For the petitioner.

In this application the petitioner has sought for transfer of Title Suit No. 297 of 2009 pending before the learned Civil Judge (Junior Division), 2nd Court at Barrackpore, North 24 Parganas, inter alia, on the grounds that the suit for declaration and permanent and mandatory injunction was filed in the court of the Civil Judge (Jr. Division), 4th Court at Sealdah, North 24 Parganas but the case stood transferred to the court of Civil Judge (Jr. Division), 2nd Court at Barrackpore on 03.12.2018. Since the court was not functional due to paucity of infrastructure, the case was kept in godown/locker room.

Now, it is made to understand that the court has started functioning from October 2020 because the court has been given all facilities to function properly. Therefore, the learned advocate for the petitioner submits to dispose of the application under section 24 of the CPC.

It is submitted that the case is pending since long which was filed in the court of Civil Judge (Jr. Division) at Sealdah but no step could be taken by the petitioner due to the transfer of the case to the court of Civil Judge (Jr. Division) at Barrackpore which Court had no basic facilities to function.

Since the court is now functional, the prayer for

transfer of the case is rejected. However, this Court directs the court below to take up the suit as expeditiously as possible and dispose of the same preferably within a period of one year.

With this direction, CO 1061 of 2020 is disposed of.

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

(Shivakant Prasad, J.)