

21
SK
Ct. No. 18
28.07.2021

**C.O. No. 1037 of 2021
(Via Video Conference)**

**Sikha Shaw
Vs.
Madhusudan Das & Ors.**

Mr. Siva Prasad Ghose ... For the petitioner.

The petitioner of the present application under Section 24 of the Code of Civil Procedure is the defendant no. 1 of the Title Suit No. 603 of 2019 pending before the 2nd Court of learned Civil Judge, (Senior Division), at Barasat, District- 24 Parganas (North).

The petitioner by the present application is seeking transfer of Miscellaneous Appeal no. 50 of 2021 pending before the Court of learned Additional District Judge, Fast Track, Vth Court at Barasat, District- 24 Parganas(North) to any other court competent to try and dispose of the said appeal under the judgeship of learned District Judge at Barasat, District- 24 Parganas(North).

The petitioner is the respondent of the said Miscellaneous Appeal, she apprehends that she will not get proper justice from the Court of learned Additional District Judge, Fast Track, Vth Court at Barasat, District- 24 Parganas(North) as the said

learned Court in an earlier Appeal being Miscellaneous Appeal No. 123 of 2019 arising out of the same suit made some observations detrimental to the interest of the petitioner.

The said apprehension of the petitioner has no foundation inasmuch as some observations against the petitioner in an earlier proceeding without anything more cannot constitute a ground far less, a good ground for transfer of the said Miscellaneous Appeal from the court where it is now pending to any other court.

For the aforesaid reason, C.O. 1037 of 2021 is dismissed without any order as to costs.

Needless to mention that the learned Additional District Judge, Fast Track, Vth Court at Barasat while deciding the said miscellaneous appeal shall not be influenced by any of the observations made by him in the earlier order disposing the Miscellaneous Appeal No. 123 of 2019.

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.)