

16.12.2021  
Item No.17  
Ct. No.7  
CHC

**C.O.1915 of 2021  
(Physical Hearing)**

**Shyamal Kumar Roy  
Vs.  
Smt. Anjali Roy & ors.**

Mr. Biswarup Biswas,  
Mr. Gora Chand Samanta  
...for the petitioner

Mr. Rupam Mukhapadhyay  
...for the o.p. nos.1,2 and 5

This is an application seeking transfer of a Probate Case being O.S.24 of 2009 from the court of learned Additional District Judge, 4<sup>th</sup> Court at Krishnagar, Nadia to the court of learned Additional District Judge at Kalyani, Nadia.

Mr. Biswarup Biswas, learned advocate representing the petitioner submits that both the plaintiff/petitioner, opposite parties and the witnesses for both the parties reside at Kalyani and the prime witness, sought to be examined is fairly aged person, and since pandemic is going on, it would be very difficult for witnesses and aged person also to travel in the interest of adducing evidence in a probate proceeding, and as such, the proposed transfer will be beneficial for both the parties involved in this case.

Mr. Rupam Mukhapadhyay, learned advocate appearing for the opposite party nos.1, 2 and 5 submits that the proposed transfer will be beneficial to either of the parties to this case.

That being position there is hardly any scope to go for any elaboration in the interest of disposal of the transfer application.

The transfer application is thus disposed of directing learned Additional District Judge, 4<sup>th</sup> Court, Krishnagar, District-Nadia to transfer Misc.Case No.79 of 2007 (Probate) corresponding to O.S.24 of 2009 to the court of learned Additional District Judge, Kalyani, within three weeks from the date of communication of this order.

Both the parties are directed to ensure their respective appearance before the transferee court on 18<sup>th</sup> January, 2022.

The transferee court, upon receipt of the case record from the transferror court, shall proceed to dispose of the pending Probate case providing sufficient opportunities of hearing to either of the parties to this case.

With this direction, the instant transfer application stands disposed of.

Petitioner is directed to communicate this order to both the court below (transferee and transferror).

**(Subhasis Dasgupta, J.)**