

14
SK
Ct. No. 18
17.08.2021

**C.O. No. 3045 of 2019
CAN 1 of 2020 (Old No. : CAN 2139 of 2020)
(Via Video Conference)
Nibedita Mondal & Anr.**

Vs.

Arun Kumar Mondal & Ors.

Mr. S. R. Das,
Mr. Sayantan Rakshit,
Mr. Kshetra Prasad Mukhopadhyay
... For the petitioners.

This is an application under Section 24 of the Code of Civil Procedure.

The petitioners are the plaintiffs of Title Suit No. 83 of 2016, pending before the learned Civil Judge, (Senior Division) at Basirhat, District 24 Parganas (North).

The petitioners are praying withdrawal of the said suit from the Court where it is now pending and transfer of it to any Court competent to try and dispose of the said suit under the Judgeship of learned District Judge at Alipore, District 24 Parganas (South).

The petitioners are seeking such withdrawal and transfer of the said suit on the allegation that due to threat of the defendants/opposite parties they are unable to attend to the Court where the said suit is now pending.

The application does not disclose particulars of the alleged threat. The receipts of the general diary filed in support of the allegation of threat are of 2016 whereas

the present application has been filed in the year 2019. The suit pending before a competent Court having jurisdiction cannot be transferred on the basis of the allegation of such nature and such documents.

C.O. 3045 of 2019 along with the connected application bearing No. CAN 01 of 2020 (Old No: CAN 2139 of 2020) also dismissed without any order as to costs.

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.)