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SK
Ct. No. 18
17.08.2021

C.O. No. 4103 of 2019
CAN 1 of 2021 (Application not in file)
(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 appellants of Miscellaneous Appeal No. 8 of 2018, pending before the learned Additional District Judge, Fast Track, 3rd Court at Basirhat, District 24 Parganas (North).

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

The petitioners are praying such withdrawal and transfer of the said appeal on the ground that they are unable to attend the said appellate Court at Basirhat due to the threat of the respondents of the said appeal.

Except the receipts of general diary that too of the year 2016 there is no other material in support of the allegation of threat. The application does not even disclose the date when the petitioners were allegedly threatened.

The suit pending before a competent Court having jurisdiction cannot be transferred only on the basis of such bare allegation.

C.O. 4103 of 2019 and the connected application, if pending, are 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.)