

18.1.2021
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CO 34 of 2020
(Through Video Conference)

Smt. Mitali Roy Guha .. Petitioner
Vs.
Sri Mihir Guha & Ors. ..Opp. Parties

Mr. Debarshi Dhar, Advocate
...for the Petitioner. Present in Court.

By filing the present petition, the transfer of the suit filed by the opposite party Nos.1 and 2 against the petitioner and also the Life Insurance Corporation of India, has been sought from the Court of Civil Judge, Junior Division, Alipurduar to the Court of competent jurisdiction at Jalpaiguri. The opposite party Nos.1 and 2 had filed a suit for declaration and injunction with reference to insurance policies taken by late husband of the opposite party No.3 from Life Insurance Corporation of India. The claim made in the suit is that the plaintiffs are entitled to the benefits of the policy and not the opposite party No.3 as she had divorced her husband before his death.

The transfer of the suit is sought on the ground that it may not be possible for the petitioner to travel to Alipurduar where the suit has been filed as she is residing at Congress Nagar, Police Station – Kotwali, District – Jalpaiguri. It is stated that she is about

50 years of age. Considering the age of the petitioner, it may not be possible for her to travel to Alipurduar where the suit is pending.

After hearing learned counsel for the petitioner, I do not find any merit in the present petition. Her presence is not required on each and every date of hearing as the same may be primarily on the dates when her evidence is to be recorded or if she wishes to be present, the days when the cross-examination of the plaintiffs take place. Hence, I do not find that any case made out for transfer of the proceedings from the Court of Civil Judge, Junior Division, Alipurduar to Court of the competent jurisdiction at Jalpaiguri.

However, it is observed that whenever the evidence of the petitioner is recorded, endeavour should be made to complete her cross-examination also on the same date so that her repeated travel is avoided.

The present petition is disposed of, accordingly.

(Rajesh Bindal, J.)

