

15
AKG 26-04-2022
Ct.21

C.O. 349 of 2022
Central Warehousing Corporation
Versus
M/s. Karamat Exim Private Limited

Mr. Samrat Chowdhury,
Ms. Tuhina Ghosh
...for the Petitioner

Mr. Shyamal Chakraborty,
Mr. Soumya Ray
...for the Opposite Party

Parties are represented by their respective advocates. Learned advocate for the opposite party seeks accommodation on the ground of illness of the advocate on record. Such prayer is turned down.

The matter is taken up for hearing.

By filing the present application under Section 24 of Code of Civil Procedure has prayed for transfer Miscellaneous Case No. 528 of 2019 from the 10th Bench, City Civil Court at Calcutta to the Court of Chief Judge, City Civil Court at Calcutta where Misc. Appeal No. 10 of 2020 is pending.

It has been contended that in both Misc. Appeal No. 10 of 2020 and Misc. Case No. 528/2019 under Section 9 of the Arbitration and Conciliation Act, 1996 the subject matter is same public premise. For proper determination and to avoid conflicting judicial decisions both the matters should be heard by the same Judge.

Further, this Court is of the view if the prayer of the petitioner is allowed it is not going to prejudice the

interest of the opposite party. Therefore, application under section 24 CPC is allowed.

The Misc. Appeal No. 10 of 2020 is withdrawn from Court of Chief Judge, City Civil Court at Calcutta and transferred to the Court of 10th Bench, City Civil Court at Calcutta, where another matter relating to the same subject matter is pending.

Learned Chief Judge, City Civil Court at Calcutta is requested to transfer the record of Misc. Appeal No. 10 of 2020 to the Court of 10th Bench, City Civil Court at Calcutta within one month from the receipt of communication of this order.

Parties shall appear before the Court of 10th Bench, City Civil Court at Calcutta on 12.05.2022 irrespective of transfer of the record of the Misc. Appeal No. 10 of 2020 but only on the basis of server copy of this order. Learned Judge, 10th Bench, City Civil Court at Calcutta shall act on such communication.

Transferee Court shall proceed to dispose of the said suit from the stage at which it has already reached. Transferee Court is further requested to expedite the disposal of the said suit in accordance with law.

Accordingly, C.O. 349 of 2022 is disposed of. Connected application, if any, is also disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)