

10-06-2022
Item no.35
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO. No.524 of 2022
Sduvendu Adhikari
-vs-
Abhishek Banerjee

Mr. Aniruddha Chatterjee
Mr. Billwadal Bhattacharyya
Mr. Srijib Chakraborty
Mr. Debanik Banerjee
Mr. Sayak Chakraborti
Mr. Anish Kumar Mukherjee
Mr. Amrit Sinha ...for the petitioner

Mr. Anirban Ray
Mr. Sanjay Basu
Mr. Jayanta Sengupta
Mr. Piyush Agarwal
Mr. Swarajit Dey
Ms. Utsha Dasgupta ...for the opposite party

This is an application under section 24 of the Code of Civil Procedure, 1908 seeking transfer of a title suit from the court of learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour, South 24-Parganas to the court of learned Chief Judge, City Civil Court, Calcutta.

It is stated by the petitioner, Suvendu Adhikari, that the opposite party, Abhishek Banerjee, has filed a suit being Title Suit No.19 of 2021 against him for defamation and permanent injunction in the court of learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour, South 24-Parganas. The opposite party filed a suit being Title Suit No. 52 of 2021 of similar nature in the court of learned Civil Judge (Senior Division), 1st Additional Court at Burdwan, Purba Bardhaman seeking the same reliefs as sought for in Title Suit No.19 of 2021. The petitioner also states that on his prayer Title Suit No.52 of 2021 was transferred by this

court to the court of learned Chief Judge, City Civil Court at Calcutta from the court of learned Civil Judge (Senior Division), 1st Additional Court at Burdwan. In the application on hand, the petitioner seeks that Title Suit No.19 of 2021 be withdrawn and transferred to the court of the learned Chief Judge, City Civil Court, Calcutta.

Learned counsel appearing for the petitioner submits that like his previous title suit, this title suit being No.19 of 2021 may be transferred to the City Civil Court at Calcutta. Learned counsel further submits that if the suit is transferred to the City Civil Court at Calcutta, the opposite party will not be prejudiced in any manner.

Learned counsel for the opposite party opposes the prayer made by the petitioner.

It appears from an order dated December 1, 2021 passed by this court in CO No.404 of 2021 (Suvendu Adhikari v. Abhishek Banerjee) that a title suit of the similar nature as that of Title Suit No.19 of 2021 was withdrawn from a court at Burdwan and transferred to the City Civil Court, Calcutta for disposal.

Having heard learned counsels appearing for the parties and considering the balance of convenience and inconvenience of the respective parties, I feel that it would be wise to withdraw Title Suit No.19 of 2021 from the court of learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour and transfer the suit to learned Chief Judge, City Civil Court, Calcutta.

Accordingly, it is ordered that Title Suit No.19 of 2021 pending in the court of learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour, South 24-Parganas be withdrawn and be transferred to the learned Chief Judge, City Civil Court, Calcutta for disposal.

The learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour is directed to transmit the case records of Title Suit No.19 of 2021 to the court of the learned Chief Judge, City Civil Court, Calcutta immediately after receipt of a copy of this order.

The department is directed to communicate a copy of this order to both the two learned courts below immediately.

The learned Chief Judge will make all endeavour so that the suit is disposed of as expeditiously as possible.

In view of the above, CO No.524 of 2022 stands disposed of. No order as to costs.

[Rabindranath Samanta, J]