

18.05.2022
(D/L-07)
Ct.-18
(Susanta)

C.O. 1281 of 2022

Smt. Aparna Chatterjee
-Vs-
Smt. Ira Das

Mr. Ramesh Sharma,
Mr. Biswabrata Basu Mallick,
Mr. Mohit Gupta,
Mr. Y. M. Hossain,
.... For the Petitioner.

Mr. Abhijit Ray,
Mr. Subham Gupta,
.... For the Opposite Party.

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

The appellant of the Title Appeal No. 7 of
2022 by the present application is seeking
withdrawal of the said appeal from the Court of
learned Chief Judge, City Civil Court at Calcutta
and transfer of it to this Court on the allegation
that on April 26, 2022, a date fixed for admission
of the said appeal, the learned advocate for the
respondent in open Court told that the presiding
Judge communicated him that he is under
pressure regarding the said appeal and he also
forecasted that the said Court would not sit on
the said date, which was eventually found
correct.

Mr. Ramesh Sharma, learned advocate for
the petitioner submits that under the aforesaid

circumstances, the petitioner apprehends that she would not get justice from the said Court.

Mr. Abhijit Roy, learned counsel who is representing the appellant in the Appeal Court below, appears in the present matter as the counsel for the opposite party. He categorically denies the aforesaid allegation and submits that he has received a letter from the learned advocate for the petitioner with similar allegation and he denying the said allegations, has replied to the said letter.

Having heard the learned counsel for the parties and on perusal of the materials-on-record, it appears that except a letter of the learned advocate for the petitioner addressed to the learned advocate for the opposite party, there is no material on record in support of the said allegation of the petitioner. Moreso, the learned advocate for the opposite party to whom the said letter was addressed has replied to the said letter denying the allegation.

That apart, the petitioner has stated the said allegation in paragraph '10' of the application but the said paragraph is not affirmed as it is a mere submission of the petitioner.

The counsel for the parties informed this Court that the appeal has now been transferred

to the Court of learned Judge, 4th Bench, City Civil Court at Calcutta.

This Court, on the basis of these materials, is unable to entertain the prayer of the petitioner.

C.O. 1281 of 2022 is dismissed without any order as to costs.

The learned Judge, 4th Bench of City Civil Court at Calcutta, is however, requested to dispose of the Appeal as expeditiously as possible in accordance with law without entertaining prayer of the parties for any unnecessary adjournment.

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.)