

S/L 7
12.09.2022
Court. No. 652
GB

C.O. 1345 of 2022

Dr. Anirban Mondal
VS

M/s. Beta Scan Diagnostics Pvt. Ltd. & Anr.

Mr. Pijush Kanti Khanra,
Mr. Somnath Khanra.

...for the Petitioner.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the opposite parties.

The petitioner as plaintiff has filed a suit for declaration, that the plaintiff/petitioner is no way connected with M/s. Beta Scan Diagnostics Private Limited and he is not a director of the said company and also not connected with the bank loan and also for declaration, that the plaintiff is no way liable to pay the loan amount of Rs.4 crores and for permanent injunction restraining the defendants from claiming any kind of loan amount from the plaintiff. The petitioner states that previously he resided within Tala Park Police Station but, at present the petitioner/plaintiff is residing within the jurisdiction of Bagbazar Police Station. He further submits that cause of action of the suit arose within the jurisdiction of City Civil Court and defendants also reside within the jurisdiction of City Civil Court and as such under Section 20 of Code of Civil Procedure, Civil Judge, Sealdah has no territorial jurisdiction to try the suit. Accordingly, the petitioner has prayed for transfer of the said

suit from the Court of learned Civil Judge (Junior Division), 1st Court at Sealdah to the City Civil Court at Calcutta.

Having considered the facts and circumstances of the case, it appears that plaintiff/petitioner would have prayed for return of plaint under Order VII, Rule 10, C.P.C. before trial court. However, since the petitioner has approached before this Court under Section 24 of the Code, the prayer for transfer of the suit is hereby allowed. District Judge, 24 Parganas (South) is directed to withdraw the Title Suit No.919 of 2018, from the Court of the learned Civil Judge (Junior Division), 1st Court at Sealdah and to transmit the same to the court of learned Chief Judge, City Civil Court at Calcutta, who in turn will assign the case before the appropriate bench having territorial jurisdiction for disposal. The assignee court before proceeding further with the case shall serve fresh notice upon both the parties.

Department is directed to serve a copy of the order to the learned District Judge, 24 Parganas (South) as also the learned Chief Judge, City Civil Court at Calcutta.

Accordingly, C.O. 1345 of 2022 is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Ajoy Kumar Mukherjee, J.)