

18.08. 2022
item No.135
n.b.
ct. no. 14

C.O. 1366 of 2022

Mita Banerjee
Vs.
Sri Biplab Kumar Panja & Anr.

Mr. Gazi Faruque,
Mr. Hafizur Rahaman,
Ms. Priyanka Mondal
.....for the Petitioner

Mr. Dhananjay Banerjee,
Mr. Palash Bapari,
Ms. Oindrila Ghosh
.....for the opposite parties.

Affidavit of service filed by the petitioner be kept on record.

Affidavit in opposition and the affidavit in reply filed by the parties be kept on record.

This is an application under Section 24 of the Code of Civil Procedure seeking transfer of a title suit from the Court of the Learned Civil Judge (Junior Division), 1st Court Chandernagore, Hooghly to the Court of Learned Civil Judge (Junior Division) at Chinsurah, Hooghly,

The petitioner states that the opposite parties as plaintiffs have brought the title suit being no.154 of 2015 against her in the Court of the Civil Judge (Junior Division), 1st Court, Chandernagore, Hooghly seeking declaration of title, permanent injunction etc.

The petitioner as defendant entered appearance in the suit and filed written statement to contest the suit. The orders passed by the Civil Judge (Junior Division) will speak that proper steps could not be taken on behalf of her. As such, she had to change her learned advocate to conduct the suit on her behalf several times. The petitioner states that the conducting Learned advocate of the plaintiffs is near relative of them and who has good access to all of his colleagues. Because of this the matter is getting delayed. On such grounds, the petitioner seeks transfer of the suit from the concerned Court at Chandernagore, Hooghly to the concerned Court at Chinsurah.

The opposite parties in their affidavit in opposition state that owing to non-taking steps on behalf of the petitioner the suit proceeded ex parte. However, on prayer of her, the order of ex parte hearing was vacated and the petitioner was given opportunity to file written statement to contest the suit. Since then the suit is being contested by the petitioner. The opposite parties contend that due to laches on the part of the petitioner the suits being delayed. On such grounds the opposite parties seek dismissal of the revisional application.

The only ground on which the petitioner seeks transfer of the title suit is that the suit is being delayed substantially and because of this her rights get prejudiced.

It is not in dispute that the petitioner as defendant entered appearance in the suit and proceeded to contest the suit. But on her failure to take steps the suit was posted for ex parte hearing. However, on prayer of the petitioner the order of ex parte hearing was vacated by the Learned Court below and the petitioner was given opportunity to contest the suit by filing written statement. There is no contention that after the petitioner was given opportunity to contest the suit by the Learned Court below, the suit proceeded.

Having heard the learned Counsels appearing for the parties and on consideration of the ground taken by the petitioner in her revisional application, I think that the revisional application has no merit to succeed. Accordingly, the revisional application is dismissed.

However, the learned Civil Judge(Junior Division), 1st Court Chandernagore, Hooghly is directed to make all endeavour so that the suit is disposed of expeditiously.

With the aforesaid direction the revisional application being C.O. No. 1366 of 2022 stands disposed of.

No order as to costs.

Urgent xerox certified copy, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Rabindranath Samanta, J.)