

S/L 36
01.9.2022
Court No.652
SD

CO 1989 of 2022

Authorised Officer, State Bank of India & Anr.
Vs.
Smt. Juthika Debnath & Ors.

Mr. Anirban Pramanick
Ms. Sohini Bhattacharya
Ms. Subhasree Dey
Ms. Rajarsri Kundu

...for the Petitioners.

Mr. M. Ahmed
Mr. Debarshi Das

...for the Opposite Parties.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioners seeking transfer of Title Suit No.973 of 2021 pending in the Court of learned Civil Judge (Senior Division), 7th Court, Alipore to any other court of learned Civil Judge (Senior Division), Alipore having jurisdiction.

The background of the case is that the borrowers defaulted in making payment of the dues as a result, the said account was classified as NPA on 01.8.2007 and the petitioners herein thereafter issued a notice under Section 13(2) of the SARFAESI Act to the borrowers and guarantors but suppressing the said facts, plaintiffs/opposite parties herein filed a title suit before the court of learned Civil Judge (Senior Division), Alipore against the defendants/petitioners and had obtained an ex parte order of injunction restraining the defendants from evicting the plaintiff from the suit property without due process of law.

The petitioners herein had filed a petition for vacating the interim order. The said petition had yet been disposed of or heard till today. Since the said court is a busy one and burdened with lot of cases, so the petitioners prayed for transferring the said case from the court of learned Civil Judge (Senior Division), 7th Court at Alipore to any other court at Alipore having jurisdiction for expeditious disposal of the case.

Mr. M. Ahmed, learned counsel appearing on behalf of the opposite parties, leaves the matter to the discretion of the court.

Having considered the aforesaid facts and circumstances of the case, it appears that the prayer is innocuous and is required to be allowed for the ends of justice and also for expeditious disposal of the proceeding.

In view of the above, learned District Judge, Alipore is directed to withdraw the Title Suit No.973 of 2021 from the Court of learned Civil Judge (Senior Division), 7th Court, Alipore and to transfer the same to any other court having jurisdiction at Alipore within a period of two weeks from the date of communication of the order.

Department is directed to send a copy of this order to the court of learned District Judge, Alipore.

The learned Transferee court is requested to make expeditious disposal of the case and to make every endeavour so that the entire proceeding shall be concluded

preferably within a period of one year from the date of receipt of the record.

With these observations, C.O. 1989 of 2022 is disposed of.

There will be no order as to costs.

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

(Ajoy Kumar Mukherjee, J.)