

14.02.2022
Item No.2
Ct. No.7
CHC

**C.O.3331 of 2019
(Physical Hearing)**

**Sri Kinkar Chandra Roy
Vs.
Sri Bhaskar Chandra Roy & ors.**

Mr. Haradhan Banerjee,
Mr. Subhrangshu Datta
...for the petitioner

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray
...for the opposite parties

This is a transfer application under Section 24 of the Code of Civil Procedure, seeking transfer of Title Suit No.1076 of 2016, from the court of learned Civil Judge (Senior Division), 1st Court at Paschim Midnapore to the court of learned Civil Judge (Senior Division), at Howrah.

Mr. Banerjee, at the onset, has submitted that the pending suit involves a fight between brothers over property matters, and there is fair chance of reaching settlement between them.

Mr. Mahato appearing for the opposite parties concedes to the submissions, advanced by Mr. Banerjee reiterating the chance of settlement between the contesting brothers.

Mr. Banerjee submits that when the dispute is going to be amicably settled, and a corresponding application has already been taken out before the

court below, the case need not be transferred to the proposed place, as mentioned in the transfer application.

Since the prayer of Mr. Banerjee is not pressed at this stage for the development of event, so far reached between the parties, the application is thus disposed of directing the learned court below to dispose of the pending application and the suit itself bearing in mind the settlement, if any, already reached between the parties, upon providing sufficient opportunities of hearing to either of the parties to this case.

With this observation, the instant transfer application being C.O.3331 of 2019 stands disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)