

24.02.2022
Item No.5
Ct. No.7
CHC
(disposed of)

**C.O.4430 of 2019
(Via Video Conference)**

**Lali Mukherjee
Vs.
Partha Sarathi Bag**

Mr. Subhabrata Bandyopadhyay
...for the petitioner
(in virtual mode)

Mr. Debansu Biswas
...for the opposite party

Affidavit-of-service furnished by the petitioner be taken on record.

This is an application under Section 24 of the Code of Civil Procedure, seeking transfer of a Will Probate Case vide No.4 of 2018 (32 of 2017/5 of 2017), from the court of learned Additional District Judge, 1st Court, at Purba Bardhaman to the court of learned District Judge, Paschim Bardhaman.

The ground set out in the transfer application is that both the parties involved in this Will Probate case and the available witnesses required to be examined in this case are all from Asansol, and it would be most advantageous for either of the parties to this

case for determination of issues involved in this Will Probate case, by any court having the authority to take up trial of Will Probate Cases, situated at Asansol.

Mr. Debansu Biswas, learned advocate for the opposite party does not raise any objection with regard to such request being made by Mr. Subhabrata Bandyopadhyay, learned advocate for the petitioner.

On the prayer of both the parties, the Will Probate Case vide No.4 of 2018 (32 of 2017/5 of 2017), as such be withdrawn from the learned Additional District Judge, 1st Court, at Purba Bardhaman and transferred to the court of learned Additional District Judge, 2nd Court, Asansol, Paschim Bardhaman, within four (04) weeks from the date of communication of this order.

Accordingly, learned Additional District Judge, 1st Court, Purba Burdhaman is directed to transfer the Will Probate Case vide No.4 of 2018 (32 of 2017/5 of 2017) to the court of learned Additional District Judge, 2nd Court, Asansol, Paschim Bardhaman,

Both the parties are accordingly directed to ensure their respective appearance before the transferee court on 22nd March, 2022.

The transferee court is directed to address the issue involved in this case upon providing sufficient opportunities of hearing to both the parties to this case.

With this direction/observation, the instant transfer application stands disposed of.

Petitioner is directed to make communication of this order before the courts below.

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.)