

OD-5

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Extra Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

ALP/3/2022

SUTAPA SAHOO
Versus
TARAK NATH KARMAKAR

BEFORE:

The Hon'ble JUSTICE AJOY KUMAR MUKHERJEE

Date : 23rd September, 2022.

Appearance:
Ms. Suchismita Ghosh Chatterjee, Adv.

The Court: Affidavit-of-service filed be kept with the records.

Despite service opposite party is not represented.

This is an application under Clause 13 of the Letters Patent, 1865 seeking transfer of Title Suit No. 458 of 2018 along with all the applications pending before the 7th Civil Judge (Senior Division), Alipore to this Hon'ble Court.

The respondent is a developer by profession and had an agreement with the petitioner sometimes in the year 2016, whereby it was agreed that the suit premises would be sold to petitioner at a consideration of Rs.9,50,000/-. Petitioner already paid substantial part of consideration price but respondent is evading to execute the conveyance deed and trying to create third party interest.

Petitioner filed a suit for declaration, permanent injunction, specific performance of contract and for enforcement of contract entered

into by and between the parties. Petitioner also filed an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure seeking injunction. Learned Court below was pleased to pass an order of injunction in favour of the petitioner. The respondent in spite of being aware of such order of injunction has been taking illegal, wrongful steps bypassing the terms of agreement which causes serious damage to the petitioner. The learned Court of 7th Civil Judge (Senior Division), Alipore is lying vacant since March, 2022 and for which the petitioner is not getting appropriate remedy from the trial Court and as such petitioner seeks for a transfer of aforesaid Title Suit No. 458 of 2018 before this Hon'ble Court.

Having considered the facts and circumstances of the case the grounds for transfer as mentioned in the petition appears to be not sufficient to entertain a prayer for transfer to this Hon'ble Court. I find that it would be appropriate to direct the trial Court or the Court-in-charge of the said Court to expedite the trial of the suit and to conclude the same within a time frame.

In view of the above, learned 7th Civil Judge (Senior Division), Alipore or the Court-in-charge of 7th Civil Judge (Senior Division), Alipore (in case the Court is lying vacant) is hereby directed to make expeditious disposal of the aforesaid Title Suit No. 458 of 2018 and to make every endeavor to conclude entire proceeding of the suit, preferably within a

period of one year from the date of communication of the order, since the case is pending for a long time.

ALP/3/2022 is accordingly disposed of.

(AJOY KUMAR MUKHERJEE, J.)

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