

OD-6

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

ALP/4/2022

SUBAL ADHIKARI
Versus
TARAK NATH KARMAKAR AND ORS.

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. 327 of 2017 along with all the applications pending before the Court of 7th Civil Judge (Senior Division), Alipore to this Hon'ble Court.

The petitioner contended that respondent is a developer by profession and had entered into an agreement with the petitioner sometime in the year 2016, whereby it was agreed and settled that the suit premises would be sold to the petitioner at a consideration of Rs.9,00,000/-. Petitioner has paid substantial amount of consideration as agreed upon but respondent in spite of being under obligation of execution of the conveyance deed, issued notice of cancellation expressing his intention to evade the agreement for the respondent's

wrongful gain. Learned Court was pleased to pass an order of injunction in favour of petitioner. Respondent in spite of being aware of such order has been taking illegal wrongful steps to by-pass the agreement. It is further submitted that learned Court below is lying vacant since March, 2022 and for which in spite of the fact that the respondent has been evading the Court below while taking illegal steps to create third party interest, petitioner could not take any steps before the trial Court for getting appropriate remedy. Accordingly, petitioner has prayed for transfer of aforesaid Title Suit No. 327 of 2017 from the Court of learned 7th Civil Judge (Senior Division), Alipore to the Hon'ble Court.

Having considered the facts and circumstances of the case, the ground made out in the petition appears to be not sufficient to entertain the prayer for transfer to this Hon'ble Court. However, learned trial Court namely 7th Civil Judge (Senior Division), Alipore or the Court-in-charge of that Court (in case the Court is lying vacant) is requested to make every endeavor to dispose of aforesaid Title Suit No. 327 of 2017 at the earliest and to conclude the entire proceeding of the suit, preferably within a period of one year from the date of communication of the order.

ALP/4/2022 is accordingly disposed of.

(AJAY KUMAR MUKHERJEE, J.)