

11.10.2023
Court No. 19
Item 418 (ML)
CP

C.O. No. 170 of 2023

Mrs. Virginia Bara

Vs.

Smt. Gita Sarkar (Mal) & anr.

Ms. Sudeshna Basu Thakur

.....for the petitioner.

Mr. Aritra Shankar Ray

.....for the opposite parties.

The petitioner who is a 71 years old lady seeks transfer of Other Suit No. 14 of 2021, which is pending before the learned Civil Judge (Senior Division), 1st Court at Malda to any court of competent jurisdiction at Alipore.

It is submitted that the petitioner had suffered a stroke sometime in 2011. She was hospitalized in 2014 and has been under treatment for several ailments.

The opposite party nos. 1 and 2 who are plaintiffs in the suit, oppose such prayer on the ground that the opposite parties were also aged persons. The opposite party no. 1 has filed medical documents to show her ailing condition. It is further contended that the witnesses who would be produced by the opposite parties, reside at Malda and it would be difficult for such witnesses to travel to Alipore, Kolkata.

Considering the above circumstances, this court directs the learned District Judge at Malda to transfer the Other Suit No. 14 of 2021 to the court of the learned District Judge, Murshidabad.

The learned District Judge, Murshidabad is directed to assign the suit to any court of competent jurisdiction at Berhampore, upon receipt of the records. Notices will be sent to the respective parties by the learned transferee court and the suit shall proceed in accordance with law, expeditiously.

It is made clear that as both the parties have to travel from their respective native places to attend the suit, the suit should be expedited and the witness action should be preferably held on a day-to-day basis, so that the evidence can be recorded at one go, without the parties having to travel to and fro at regular intervals.

The revisional applications are accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)