

July 13, 2023
Sl. No.5
Court No.19
s.biswas

CO 957 of 2023
With
CAN 1 of 2023

Toslina Khatun alias Begum
vs.
Sahil Molla and others

Mr. Asif Dewan

... for the petitioner

Mr. Dyutiman Banerjee

Ms. Sreyashi Chatterjee

... for the proforma opposite parties

Two affidavits of service have been filed in court, which indicate that the husband Sahil Molla refused the postal articles, which were tendered by the postal department. The postal endorsement along with the postal articles have been filed in court with the affidavit of service.

As refusal is good service, the matter is taken up for hearing.

This is an application under Section 24 of the Code of Civil Procedure for transfer of the Title Suit No.600 of 2022, which is pending before the learned Civil Judge (Junior Division), 2nd Court, Uluberia, Howrah, to a competent court having jurisdiction at Jangipur, Murshidabad.

Learned advocate for the petitioner submits that the title suit has been filed by the husband at Uluberia, Howrah, which is at a distance of around 300 kilometers from the residence of wife. On account of such inconvenience, the wife is seeking

transfer of the case to Jangipur, Murshidabad. Moreover, three cases are already pending at Jangipur and the husband is attending the said proceedings, it is alleged.

Considering the facts which have been averred in this revisional application, this court is of the view that a place which is equidistant for all the parties, should be fixed for adjudication of the title suit.

Hence, the learned District Judge, Howrah is directed to transfer Title Suit No.600 of 2022 to the court of the learned District Judge, Nadia. The learned District Judge Nadia shall assign the matter to a court of competent jurisdiction at Krishnagar. Krishnagar is mid way for all the parties. The suit shall be adjudicated by the transferee court. The transferee Judge, upon receipt of records, shall issue notices to the parties and proceed with the adjudication.

The revisional application is disposed of.

With the disposal of the revisional application, CAN 1 of 2023 stands disposed of.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)