

**07.12.2023**  
**Serial no. 35**  
[G.S.D]

## **CRR 1547 of 2023**

**In the matter of : Sanjib Das**

... .. Petitioner

Mr. S. Saha  
Mr. M. Ghosh

*... For the petitioner*

The present revisional application has been preferred for transfer of a case from the court of Id. JM, 3<sup>rd</sup> Court, Berhampore to the court of the Id. CJM, Barasat, North-24 Parganas.

The main ground for transfer which has been assigned in the application is, firstly, the distance, because the present petitioner is suffering from ailment i.e. convulsion disorder. Secondly, the petitioner has also preferred an application under section 9 of the Hindu Marriage Act, which is pending before the Court at Barasat and the o.p./wife is contesting the same. The proceedings being M.R. Case No. 437 of 2021 is under the provisions of section 125 of the Cr.P.C. where regular physical appearance of the petitioner is not necessary. Further, the o.p. has invoked proper jurisdiction.

The settled proposition of law is that if a party to a proceeding/litigation has rightly invoked the jurisdiction of the court on certain alien grounds, the proceedings cannot be transferred from one court to another court.

Having considered the same, I am of the view that no case has been made out for any interference by this court.

With the aforesaid observations, CRR 1547 of 2023 is dismissed.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**