

S/L 218
15.03.2023
Court No.652
SD

CO 2301 of 2022
With
CAN 1 of 2023

Sanjib Das
Vs.
Tanusree Kansa Banik

Mr. Maloy Ghosh

...for the Petitioner.

CAN 1 of 2023:-

This is an application for restoration of application, being CO 2301 of 2022.

It appears that the said revisional application was dismissed for default on 03.01.2023, since the petitioner did not appear before this Court when the matter was called on for hearing.

Having regard to the averments made in the application, I am of the view that the petitioner was prevented by sufficient cause from not appearing before this Court on 03.01.2023, when the revisional application was taken up for hearing.

Accordingly, the order dated 03.01.2023 is recalled. The application being CO 2301 of 2022 is restored to its original file and number.

CAN 1 of 2023 is accordingly disposed of.

CO 2301 of 2022:-

This is application under Section 24 of the Code of Civil Procedure seeking transfer of a proceeding under

Section 125 of the Code of Criminal Procedure pending before the Court of learned Judicial Magistrate, 3rd Court, Murshidabad to the Court of learned Chief Judicial Magistrate, North 24 Parganas at Barasat.

This application has been preferred under Section 24 of the Code of Civil Procedure. Since the present prayer for transfer of a proceeding under Section 125 of the Code of Criminal Procedure is not guided by the said provision of Code of Civil Procedure, this application is not maintainable and accordingly, CO 2301 of 2022 is dismissed being not maintainable.

However, this order will not preclude the petitioner to seek for his relief before appropriate forum.

(Ajoy Kumar Mukherjee, J.)