

September 26, 2023
Sl. No.13
Court No.19
s.biswas

CO 2938 of 2023

Bishnu Pada Mishra and others

vs.

Dilip Kumar Mishra and others

Ms. Varsha Roy

... for the petitioners

The court does not find any reason to transfer the Title Suit No.133 of 2013 from the court of learned Civil Judge (Senior Division), 2nd Court, Haldia to any competent court at Tamruk, for the following reasons:-

(a) No documents have been produced before this court, which would indicate that the defendants, who are 89 in number, had resisted the petitioners from entering the court compound.

(b) Only in one paragraph of this revisional application it has been stated that the son-in-law of the petitioner No.1 had joined hands with those 89 defendants and was influencing them to resist the petitioners. Such allegation is vague and not backed by any supporting documents.

Under such circumstances, a suit which is being tried since 2013, cannot be suddenly transferred on such unconvincing grounds. It also appears that the suit has been fixed for ex parte arguments.

The revisional application is disposed of. The petitioners are at liberty to approach the police authorities if they are resisted. If during the trial, the petitioners are prevented in any way from approaching the court, the learned trial judge will ensure protection of the petitioners.

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

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)