

28.02.2024
Ct. No. 19
Sl. No.45
Cp

C.O. No. 6 of 2024

Sri Ashim Kumar Mondal
Vs.
Sri Asit Kumar Mondal

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Mr. Kaustav Bhattacharya
Ms. Sinjini Chakraborty
Ms. Priyanka Jana

.....for the petitioner.

Mr. Anjan Ray
Mr. Subhajit Chowdhury
Mr. Souvanik Mahapatra

...for the opposite party.

This application has been filed for transfer of Title Suit No. 632 of 2023, from the court of the learned Civil Judge (Senior Division), 2nd Court, Howrah to the Court of learned Civil Judge (Senior Division), Barasat, North 24 Parganas.

It is submitted by the petitioner that the petitioner suffers from eye problem and also hearing problem. Thus, it would be convenient if the suit is transferred either to Barasat or to Barrackpore.

Learned advocate for the plaintiff/opposite party submits that the carriage of proceedings is in the hands of the plaintiff. Both the parties reside at Baranagar. The distance from Baranagar to Howrah is approximately 10 kms and the same can be covered in 40 to 45 minutes.

Whereas, Barasat is situated at a further distance from Baranagar where the parties reside.

Having considered the rival contentions of the respective parties, this court finds that the petitioner has undergone a cataract operation and has complained of diminishing hearing ability. These cannot be the ground for transfer of the suit to any court at Barasat or Barrackpore. Such transfer would neither reduce the travel time nor will it reduce the distance. Rather, the inconvenience complained of will remain. Thus, the plaintiff, in whose hands the carriage of proceeding lies, can choose the forum and he has done so in accordance with the Code of Civil Procedure.

The application is 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.)