

06.08.2024
Item No.8, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2716 of 2024

**Ramakant Sharma
-Vs-
Joydeep Chatterjee & Ors.**

Mr. Srijib Chakraborty,
Ms. Oindrila Ghosal.
.....for the petitioner.

Mr. Probal Kumar Mukherjee,
Senior Advocate,
Ms. Shebatee Datta.
.....for the opposite parties.

Affidavit of service filed on behalf of the
petitioner be kept with the record.

The instant application under Article 227
of the Constitution of India is directed against
order dated June 18, 2024 passed by the learned
District Judge, Howrah in *Misc. Case No. 33 of
2023*.

The petitioner is the plaintiff of *Title Suit
No. 538 of 2020*, a suit for declaration of title and
injunction and defendant in *Title Suit No. 221 of
2016*, a suit for eviction of trespassers.

The petitioner took out an application
under Section 24 of the Code of Civil Procedure
being *Misc. Case No. 33 of 2023* for transfer of
Title Suit No. 538 of 2020 to the Court where the
Title Suit No. 221 of 2016 is pending for the
analogous trial of both the suits.

The learned District Judge, Howrah by the order impugned has dismissed the said application *inter alia* on the grounds that the suit for eviction is at the stage of cross-examination of the P.W.1.

In view of the nature of the two suits and their respective stages, the learned District Judge has rightly refused the prayer of the petitioner.

The order impugned therefore does not call for any interference; C.O. 2716 of 2024 is thus dismissed without any order as to costs.

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

(Biswajit Basu, J.)