

Item No.33  
18.04.2024  
Court. No. 19  
GB

C.O. 3325 of 2023

Priyanka Jindal  
Vs.  
Kusum Liu @ Liu Kusum & Ors.

*Mr. Partha Pratim Roy,  
Ms. Sudeshna Basu Thakur,  
Ms. Banani Bhattacharya*

*...for the Petitioner.*

*Mr. Ranjit Jaiswal,  
Mr. Parthasarathi Chakraborty*

*...for the Opposite Parties.*

1. This is an application seeking transfer of O.C. No.09 of 2022, which is pending before the learned Judge, 2<sup>nd</sup> Bench, City Civil Court at Calcutta to the court of the learned District Judge, 24 Parganas (South) at Alipore.
2. Contention is that the jurisdiction of the learned Chief Judge, City Civil Court at Calcutta had been invoked on the ground that the testator lastly resided at Mangoe Lane. It is contended by Mr. Roy, learned advocate for the petitioner that the expression 'ordinarily resides' and 'lastly resided' could not be used synonymously or interchangeably in order to invoke the jurisdiction of the City Civil Court. It is further contended that when all the parties admittedly reside within the jurisdiction of Alipore court and the assets/subject matters of the Will are also situated within the jurisdiction of Alipore, the parties would be benefited if the case was transferred to a competent court at Alipore.

3. Mr. Jaiswal, learned advocate appearing on behalf of the opposite parties submits that the jurisdiction of the learned City Civil Court has been rightly invoked. All the parties were not residing within the jurisdiction of the Alipore court. Another application for grant of letters of administration of the self-same property was transferred from the Alipore court to the City Civil Court by a coordinate Bench of this Court and analogous hearing of both the cases for grant of letters of administration being O.C. No.09 of 2022 and O.C. No.08 of 2022 had been passed by the coordinate Bench of this Court and the said order had attained finality. Reference is made to the order dated April 5, 2022 passed in C.O.1436 of 2021.
4. Heard the contentions of the parties. The address of the testator at the time of death was Mangoe Lane. Thus, there is no other evidence on record which would indicate that the said address was wrongly mentioned to invoke jurisdiction of the City Civil Court. Mr. Roy's contention is that the learned coordinate Bench, on account of convenience of parties, had transferred the O.C. No.08 of 2022 from the court of the learned District Delegate at Alipore to the Court of the learned Chief Judge, City Civil Court, but the same should not be an impediment for this Court to allow this application for transfer.
5. This Court is unable to accept Mr. Roy's contention. The ground for transfer of O.C. No.08 of 2022 to the Court of the learned Chief Judge, City Civil Court at Calcutta was that O.C. No.09 of 2022 was already pending before the

said court. The parties were the same, the suit properties were the same in both the suits and thus, an analogous trial of both the suits would enure to the benefit of the parties. The court was of the view that on the grounds of equity and for proper adjudication of both the cases for grant of letters of administration, L.A. No.305 of 2018 and L.A. No.23 of 2018 should be heard by the same court.

6. Therefore, the court directed that L.A. No. 305 of 2018 (O.C. No.08 of 2022) be withdrawn from the learned District Delegate at Alipore and be transferred to the learned Chief Judge, City Civil Court. The learned Chief Judge, City Civil Court at Calcutta was directed to dispose of the same or transfer the same to the court where L.A. No. 23 of 2018 (O.C. No.09 of 2022) was pending.
7. Under such circumstances, the order of the coordinate Bench attained finality. If any order is now passed transferring O.C. No.09 of 2022 to the learned District Delegate at Alipore, the same would amount to interference with the order of the learned coordinate Bench.
8. Under such circumstances, this revisional application is disposed of without any orders. Both the suits shall proceed analogously and be disposed of by the same competent court.
9. Accordingly, the revisional application is disposed of.
10. However, there will be no order as to costs.

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

**(Shampa Sarkar, J.)**