

Item No.34
18.04.2024
Court. No. 19
GB

C.O. 3326 of 2023

Priyanka Jindal
Vs.
Sonila Mehra & 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.

There is no scope for interference in this revisional application in view of the order passed on April 5, 2022 in C.O. 1436 of 2021 by a learned coordinate Bench of this Court. Her Lordship was of the view that on the ground s of equity and for proper adjudication of both L.A. No.305 of 2018 and L.A. No.23 of 2018, they were required to be heard either by the learned District Judge, Alipore or by the learned Chief Judge, City Civil Court at Calcutta. Upon such finding, the Coordinate Bench directed that L.A. No.305 of 2018 (O.C. No.08 of 2022) be transferred to the court of the learned Chief Judge, City Civil Court and the learned Chief Judge, City Civil Court may hear the said suit herself or transfer the same to the court before which L.A. No.23 of 2018 (O.C. No.09 of 2022) was pending.

The learned coordinate Bench was of the view that both the suits should be heard by the same bench in view of the similarity with regard to the cause of action, the identity of the parties and the properties involved in the proceedings.

Such order was not challenged by the petitioner. The order attained finality and this Court cannot sit in appeal over the decision of a coordinate Bench by which O.C. No.08 of 2022 was transferred to the City Civil Court at Calcutta.

Thus, this application seeking re-transfer of O.C. No.08 of 2022 to the Court of the learned District Delegate at Alipore is misconceived and the revisional application is dismissed.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)