

27.08.2025

Court No.25

Sl. No.24
Mujahid

CO 2255 of 2024
With
CAN 1 of 2024

Deblina Roy
Vs.
Tapas Banerjee

Mr. Mr. Dhananjay Banerjee,
Mr. Pralay Hazra

...for the petitioner

Mr. Biswajit Hazra

...for the opposite party

1. Present petition has been filed for transfer of Act VIII Case No.24 of 2024 pending before the learned District Judge at Burdwan, Purba Bardhaman to the learned Additional District Judge at Kalna, Purba Bardhaman.

2. At the outset, the petitioner is seeking transfer of the proceedings within the district. Learned counsel submits that since there is a concurrent jurisdiction the petitioner can file the application for transfer within the district before this court also.

3. The contention of the learned counsel for the petitioner is noted to be rejected. Section 24 in fact confers power upon the High Court and the District Court for transfer any suit, appeal or other

proceedings pending before it for trial or disposal to any court subordinate to it and competent to try or dispose of the same. Section 24(b) also confers power upon the High Court and the District Court to withdraw any suit, appeal or proceedings pending in any court subordinate to it and either try to dispose of the same or transfer the same.

4. Perusal of this provision would indicate that actually it confers power upon the High Court for transfer of any proceedings which are pending before the District Court and the power of transfer to the District Court of any proceedings pending before the court subordinate to the District Court. Thus to say that it has concurrent jurisdiction may not be the correct interpretation of the provision. In any case if two Forums are available the party has to approach the first available Forum before coming to the higher Forum. The petition is disposed of with a direction to the petitioner to invoke the jurisdiction of learned District Judge, Purba Bardhaman for transfer of the proceedings.

5. The petition stands disposed of.

(Dinesh Kumar Sharma, J.)