

D/L - 1
31.01.2025
Court. No. 5
S.Kundu

C.O. 2257 of 2023

**Samir Kumar Dutta
Vs.
Sri Tarun Kumar Dutta & Anr.**

Mr. Gazi Faruque,

...for the petitioner.

Mr. P.K. Bhattacharya

...for the opposite party.

1. Let the supplementary affidavit filed in Court today be taken on record.
2. This matter has come up under the heading “Extension of Interim Order”.
3. By consent of the parties, the revisional application has been taken up for consideration.
4. The petitioner seeks transfer of the Title Suit No. 167 of 2019 which is pending before the learned Civil Judge (Senior Division), 2nd Additional Court, Purba Burdwan to a Court of competent jurisdiction either at Howrah or Hooghly, on the ground the defendant no.1 is the bench Clerk of the learned court at Bardhaman and the defendant no.2 is a practising advocate at the same court where the suit is pending. The petitioner claims that the petitioner is facing extreme difficulty in appointing a senior advocate to represent him.
5. By order dated 6th September, 2023, the revisional application was admitted and all further proceedings in

the suit had been stayed though for a limited period. The petitioner has since filed an affidavit, affirmed on 20th January, 2025 and has claimed that the opposite party no.1 was an employee of the learned civil Judge, (senior division), second additional court at Purba Bardhaman, where the case is pending.

6. The opposite parties have entered appearance and have stated that it would be convenient for the opposite parties to contest the suit before the learned City civil Court at Calcutta.
7. Having heard the learned advocates appearing for the respective parties, and noticing the inconvenience faced by the petitioner in engaging an advocate of his choice before the learned Court at Purba Bardhaman where, the suit is pending, I am of the view, having regard to the peculiar facts noted above, the partition suit currently pending before the Court of the learned Civil Judge (Senior Division), 2nd Additional Court, Purba Burdwan be withdrawn and be transferred to the Court of learned District Judge, Hooghly at Chinsurah for the learned District Judge to assign the matter before a competent Civil Judge for disposal thereof. The suit shall be tried from the stage as was pending before learned Civil Judge, (Senior Division), 2nd Additional Court at Purba Bardhaman, before the order for transfer.

8. With the above observations and directions, the revisional application stands disposed of. There shall be no order as to costs.
9. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)