

D/L- 126
25/04/2025
Ct. No.-6
Aritra

C.O. 2939 of 2023
With
CAN 1 of 2024 (Original is not in file)
Mistu Biswas
Vs.
Binoy Biswas

Mr. Debajyoti Deb
Mr. Somdyuti Parekh
....for the petitioner

Affidavit of service filed in Court today is taken on record.

This application under Section 24 of the Code of Civil Procedure is at the instance of the mother of a minor son praying for transfer of the Act-VIII Miscellaneous Case No.66 of 2022 presently pending before the learned Additional District Judge, Fast Track, 3rd Court at Barrackpore to the learned District Judge at Alipore.

When this matter is taken up for hearing, none appears for the opposite party.

Mr. Deb, learned advocate appearing for the petitioner submits that a copy an application being CAN 1/2024 has been served upon him wherein the opposite party has prayed for disposal of the civil revisional application by passing appropriate orders. Mr. Deb further submits that it has been stated in the said application that the opposite party does not have any objection to the prayer for transfer of the miscellaneous case.

It appears that the CAN 1/2024 is not available in the records of this case. The learned advocate on record of the petitioner is directed to file a photocopy of CAN 1/2024 in course of this day which shall be retained in the records of this case and shall be treated to be the original till the original is traced out.

After going through the averments made in the application being CAN 1/2024, this Court finds that it has been stated in paragraph 6 of the said application that the opposite party does not have any objection to the prayer for transfer of the miscellaneous case to the Court of competent jurisdiction at Alipore.

Paragraph 6 of the application is extracted hereinbelow:-

“6. That your Opposite Party submits that the Opposite Party has no objection to the prayer made by the petitioner in the Revisional Application being C.O. 2939 of 2023, whereby the petitioner prays for the transfer of the Act VIII case being Misc. Case No.66 of 2022 pending before the Court of Learned Additional District Judge, Fast Track (3rd Court) at Barrackpore, North 24 Parganas, to a court of competent jurisdiction at Alipore, South 24-Parganas.”

In view of the fact that the opposite party does not have any objection to the prayer for transfer, the application under Section 24 of the Code of Civil Procedure is allowed.

The Act VII Miscellaneous Case No.66 of 2022 is withdrawn from the file of the learned Additional District

Judge, Fast Track, 3rd Court at Barrackpore and the same is transferred to the learned District Judge, 24 Parganas South at Alipore. The learned Additional District Judge, Fast Track, 3rd Court at Barrackpore is directed to transmit the records of the aforesaid miscellaneous case to the learned District Judge, 24 Parganas South at Alipore forthwith.

The learned District Judge, 24 Parganas South at Alipore shall assign the aforesaid Act VII Miscellaneous Case No.66 of 2023 to any Court of competent jurisdiction.

In view thereof, CO 2939 of 2023 is allowed and CAN 1 of 2024 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)