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18.08.
2025
Ct. No.29

CO 3883 of 2024

Anuradha Mitra
Vs.
Anusuya Banerjee & Ors.

Mr. Sandipto Bose
Mr. Joyjeev Medhi
.....For the Petitioner
Mr. H. Tiwari
Mr. A. Hossain
....For the Opposite Party No.1

Affidavit of service and Supplementary affidavit filed on behalf of the petitioner is also taken on record.

Opposite Party Nos. 2 to 9 are not represented.

This is an application under Section 24 of the Code of Civil Procedure wherein the petitioner has prayed for transfer of Title Suit No. 246 of 2016 presently pending before learned Civil Judge (Senior Division), 2nd Court, Barasat to the court of learned Civil Judge (Senior Division), 4th Court, Alipore.

Learned counsel appearing on behalf of the petitioner submits that the parties have already initiated two suits for partition being Title Suit No. 2013 of 2015 and Title Suit No. 2438 of 2016 which are pending before the court of learned Civil Judge (Senior Division), 4th Court, Alipore. He accordingly submits if the instant suit being Title Suit No. 246 of 2016 is transferred to the said court, it would be

convenient to both the parties to conduct all the three proceedings in connection with joint properties of the parties.

Learned counsel appearing on behalf of the Opposite Party No.1 submits that his client has got no objection, if the prayer made by the petitioner is allowed.

Having considered balance of convenience or inconvenience to the petitioner or opposite party herein or the witnesses, convenience and inconvenience of a particular place of trial having regard to the nature of evidence on the points involved in the suit, issues raised by the parties, I am of the view that the claims and the subject matter of instant suit being no. T.S. 246/2016 is such that if the said suit is tried and disposed of by different court, then there is every possibility of conflict of judicial opinion.

In such view of the matter, CO 3883 of 2024 is allowed.

Learned District Judge, Barasat is directed to withdraw the Title Suit No.246 of 2016 from the file of the learned Civil Judge (Senior Division), 2nd Court, Barasat and to transmit the same to the court of learned Civil Judge (Senior Division), 4th Court, Alipore within a period of three weeks from the date of communication of the order. The transferee court shall proceed with the said Title Suit No. 246 of 2016

from the stage where it reached till today. He will also serve notice to both the parties intimating next date of hearing before taking up the transferred suit for further proceeding.

The department is directed to send a copy of this order to the learned District Judge, Barasat and learned District Judge Alipore immediately.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all formalities.

(Dr. Ajoy Kumar Mukherjee, J.)