

g.b.
151

21.04.
2025
Ct. No.29

CO 3792 of 2024

Mira Sur & Anr.
Vs.
Dulal Sur

Mr. Sumanta Das
Mr. K. Tripathi
.....For the Petitioners
Mr. Sagnik Chatterjee
Mr. B. Das
.....For the Opposite Party

Affidavit of service filed by the petitioners is taken on record.

This is an application where the petitioners have prayed for transfer of Title Suit No. 155 of 2022 (Defamation Suit) presently pending before learned Civil Judge (Sr. Division) at Durgapur, Paschim Bardhaman to the court of District Judge, Krishnagar, Nadia or to any other court.

It is submitted on behalf of the petitioners that over the issue of partitioning ancestral property, the opposite party herein assaulted petitioners and for which petitioners lodged a complaint at Police Station on 08.06.2022. As a counterblast opposite party herein filed aforesaid defamation suit before Civil Judge (Senior Division), Durgapur.

Petitioners in support of transfer submits that opposite party is a law clerk working at Durgapur

Court and he has some influence in court area and opposite party is creating pressure upon petitioner for withdrawal of criminal case lodged by petitioner. Moreover petitioner no.1 is an aged person and unable to move Durgapur Court every now and then and Durgapur Court situates at a distance of 400 km from petitioner's residence. Petitioner no.1 has no source of income to bear travelling expenses. Furthermore, no part of alleged cause of action of the suit arose in Durgapur. The petitioner no.1, being a widow hapless lady prayed for aforesaid transfer.

Learned counsel appearing on behalf of the opposite party raised objection contending that there are two defendants in the suit and petitioner no.2 is the son of petitioner no.1 and even if petitioner no.1 is in difficulty to attend the court, the petitioner no.2 can very well represent both the petitioners before the court below. However, he submits that if the case is transferred to a court situated at midpoint in between the two places, he has got no objection, since it would not cause prejudice to either of the parties.

Having considered the submissions made on behalf of both the parties and without going into the allegations and counter allegations made by the parties, the proposal made by the opposite party herein is accepted, since there is no denial of the fact that opposite party/plaintiff is working at present in

Durgapur Court and as such he might have some influence in the local area.

Learned District Judge, Paschim Burdwan is hereby directed to withdraw Title Suit No. 155 of 2022 (Defamation Suit) from the court of learned Civil Judge (Sr. Division) at Durgapur, Paschim Bardhaman and to transmit the same to the court of learned District Judge, Purba Bardhaman within a period of three weeks from the date of communication of the order, who in turn will transmit the same to the court of learned Civil Judge (Sr. Division), Katwa, Purba Bardhaman having jurisdiction to try the suit within a period of three weeks thereafter. The transferee court shall proceed with the case from the stage where it reached and before taking up hearing of the matter he will serve notice upon both the parties intimating next date of hearing.

CO 3792 of 2024 stands disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)

