

JPS-16
Ct No.01
21.07.2025
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction

C.O. 170 of 2024

Subrata Basu and another
Vs
Sandree Home Services Private Limited

Ms. Tanuka Basu
Ms. Srishti Sarkar

.... for the petitioners.

1. None appears on behalf of the opposite party despite service. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioners submits that the plaintiff/opposite party is not appearing consistently in the trial court in connection with the suit as well.
3. Hence, the matter is taken up for ex parte hearing.
4. The present application under Section 24 of the Code of Civil Procedure is for transfer of a suit filed in the Court of the learned Civil Judge (Junior Division) at Jalpaiguri to the City Civil Court at Calcutta, primarily on the ground that both parties reside in or around Kolkata.
5. Moreover, although the property is situated in the Jalpaiguri District, the sale deed, the cancellation of which has been sought, was also registered in Kolkata.

6. Accordingly, the City Civil Court at Calcutta also has jurisdiction to take up the matter.
7. Keeping in view the convenience of both parties, since both the defendants/petitioners as well as the plaintiff/opposite party-Company are residing at/situated in Kolkata, the ends of justice would be sub-served in the event the suit is transferred from Jalpaiguri to the City Civil Court at Calcutta.
8. Moreover, this court takes note of the fact that the primary challenge in the suit is against a sale deed, which was also registered in Kolkata.
9. That apart, since the primary prayer in the suit is cancellation of the sale deed, the location of the property, covered by the sale deed, in Jalpaiguri would not be a determinant in ascertaining the convenience of the parties.
10. In view of the above reasons, CO 170 of 2024 is allowed, thereby directing Title Suit No.469 of 2023, pending before the Learned Civil Judge (Junior Division) at Jalpaiguri to be transferred to the City Civil Court at Calcutta.
11. The Chief Judge of the City Civil Court at Calcutta shall allocate the suit for disposal to an appropriate Bench of the said Court; alternatively, take up the matter for adjudication himself/herself, from the stage which it has now reached.

12. Copies of this order be communicated to the concerned courts, that is, the court of the Learned Civil Judge, Junior Division at Jalpaiguri as well as the Chief Judge, City Civil Court at Calcutta by special messenger at the cost of the petitioners, to be put in within a week from date.
13. However, the concerned courts and all concerned shall act on server copies of this order for the purpose of compliance.
14. Urgent certified copies, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)