

19.02.2026  
Item No.  
BR

**CO 1534 of 2024**  
**Goutam Kumar Nath and Ors.**  
**-vs-**

**Nirode Kumar Das and Ors.**

Mr. Srijib Chakraborty,  
Mr. Aditya Mondal

... for the petitioner  
Mr. G.C. Ghosh Sr. Adv.  
Mr. P.K. Banerjee  
... for the opposite party

1. The writ application has been preferred praying for transfer of Title Execution No. 01 of 2018 (Madhabilata Das -vs- Goutam Kumar Nath and Ors. ) being a Execution case for execution of judgment and decree dated 19.04.1989 & 25.04.1989 passed in Title Suit No. 80 of 1980 presently pending in the Court of the learned Civil Judge (Junior Division ) at Bongaon, District , District North 24-Parganas to the Court of the learned District Court at Barasat or to any other learned Court within the territorial jurisdiction of the residence of the petitioners.

2. It is the contention of the petitioner that the opposite party no.1 decree holder being the Secretary of the local Bar Association, the petitioners are unable to get a counsel to represent their case, and it is submitted, is their fundamental right to be defended.

3. It appears that the execution case is of the year 2018 relating to a judgment and decree of the year 1998 passed in Title Suit No. 80 of 1980. **45 long years have passed since the filing of the suit and 36 years since the decree has been passed.**

4. Considering the fact that decree which has to be executed is in respect of property which lies within the jurisdiction where title suit was filed i.e. Bongaon, District-North 24-Parganas, the execution case being transferred at this stage will cause difficulty in carrying out the said execution which has progressed considerably.

5. Admittedly, the plaintiff is an advocate since the pendency of the suit and it is only at this stage that the petitioner has raised the issue of transfer

on the ground of non-availability of lawyer to represent the petitioners/judgment debtors herein.

6. Considering the said facts and the materials on record, the civil revision is disposed of with the direction that the prayer of the petitioner herein stands rejected as this Court finds no prima facie reasons to transfer the case on such grounds.

7. The petitioner shall approach the learned District Judge, with his grievance as to regarding appointment of a learned counsel to represent him at Bongaon, and the learned District Judge, North 24-Parganas at Barasat shall consider in accordance with law.

8. On the prayer of the learned counsel for the petitioner, it is further directed that the Executing Court shall permit the petitioner herein to **appear virtually** during the proceedings of the case, in case prayer is made before the Court by the petitioner herein.

9. CO 1534 of stands disposed of.

10. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

**(Shampa Dutt (Paul), J. )**