

09.01.2026
Ct. No. 30
S.L. No. 33
SM

CO 4347 of 2024
Buddhadeb Barat
Versus
Manjushree Mukherjee & Ors.

Mr. Ajay Debnath
.....for the petitioner

1. Affidavit-of-service filed be kept with the record.
2. The revisional application has been preferred praying for transfer of O.S. No. 5 of 2015 arising out of Act 39 (Probate) Case No. 18 of 2010 from the Court of learned Additional 1st Dist. Judge, Alipore, District South 24 Parganas to the Court of learned Additional District Judge, Durgapur, Paschim Bardhaman.
3. It is the case of the defendant/petitioner herein that O.S. 5 of 2015 has been filed at Alipore Court to harass the petitioner's elder brother by making him travel from Durgapur to Alipore in spite of his ill health due to advanced age and neurological disorders.
4. On hearing the learned counsels appearing for the parties herein and on perusal of the materials on record it appears that the property in issue in the probate suit is situated at Benachity, Durgapur, Paschim Burdwan.
5. The opposite party/petitioner herein had filed a Title Suit being No. 06 of 2016 which was decreed

in his favour by the Court of learned Civil Judge (Sr. Division) of Durgapur on taking the will into consideration.

6. The opposite parties herein contested the suit at Durgapur.

7. Medical documents filed by the petitioner supports his case of medical ailment.

8. Thus considering the facts on record and the findings as noted above, and considering the said difficulty of the petitioner to travel to the Alipore Court, South 24 Parganas on regular basis, when he suffers from severe medical ailments, this Court relying upon its judgment of this Court in ***Mani Square Limited & Anr. vs Sri Subhash Kumar & Ors., in ALP No. 2 of 2025, decided on 27.03.2025, (Para 3 & 4)***, directs that O.S. No. 5 of 2015 arising out of Act 39 (Probate) Case No. 18 of 2010 be withdrawn from the Court of learned Additional 1st Dist. Judge, Alipore, District South 24 Parganas and be transferred to the Court of learned Additional District Judge, Durgapur, Paschim Bardhaman.

9. Learned Additional District Judge, Durgapur, Paschim Bardhaman shall proceed with the original suit in accordance with law with due notice upon both the parties, expeditiously.

10. Keeping in mind the case of the opposite parties herein, the learned Additional District Judge,

Durgapur, Paschim Bardhaman shall be at liberty to permit the opposite parties to **appear virtually**, if the opposite parties makes such prayer.

11. CO 4347 of 2025 is disposed of.

12. Parties to act on the server copy of this order.

13. Let a copy of this order be sent to the concerned Courts for immediate compliance.

[Shampa Dutt (Paul). J]