

JPD-03
Ct No.07
12.06.2026
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 60 of 2026

Paritosh Barman
Vs.
Mani Mohanta and others

Mr. Swarup Das

.... for the petitioner

Mr. Bibek Tarafder

....for the opposite party no.1

1. Affidavit-of-service filed today be kept on record.
2. This application, purportedly under Section 24, is utterly misconceived. Learned counsel for the petitioner submits that the petitioner, the victim of an accident, has filed two claim cases for the self-same cause of action, one at Cooch Behar and the other at Jalpaiguri. The petitioner seeks a transfer of the Jalpaiguri case to Cooch Behar.
3. Learned counsel for the petitioner even cites an unreported judgment of a coordinate Bench in *CO 167 of 2025 (Smt. Bharati Dey & Ors. vs. Kundan Prasad Jaiswal & Ors.)* in support of his contention.
4. However, a bare perusal of the said judgment indicates that the coordinate Bench, quite correctly in my humble opinion, observed that pursuing the self-same claim before two separate

forums is unnecessary and therefore, instead of transferring the claim case-in-question, granted the petitioners therein liberty to withdraw the same and pursue the claim case pending before the learned Tribunal at Cooch Behar only.

5. The said proposition is the correct proposition of law. In any event, nothing prevents the petitioner herein from not pressing/withdrawing his application under the Motor Vehicles Act pending at Jalpaiguri with leave to proceed on the self-same cause of action in the Cooch Behar case. However, there is no scope of invoking Section 24 of the Code of Civil Procedure, since two proceedings for the self-same cause of action cannot run simultaneously, as it will tantamount to forum-shopping. The petitioner, in any event, submits that the Coochbehar Tribunal has territorial jurisdiction, thus rendering the Jalpaiguri proceeding redundant.
6. Accordingly, after hearing both sides, CO 60 of 2026 is dismissed, with liberty to the petitioner to withdraw the Motor Accident claim case filed by the petitioner at Jalpaiguri, bearing MACC No. 457 of 2024 pending before the Motor Accident Claim Tribunal, First Fast Track Court at Jalpaiguri, with leave to proceed with the application on the self-same cause of action filed at Cooch Behar.
7. There will be no order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)