

Dd 9 13.01.2026

*IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI*

CO/207/2024

**MAITREYI DATTA
VS
SAIKAT PRAMANIK**

Mr. Sudipto Kumar Majumder, sr. adv.
Mr. Panchali Deb Sikder, (VC)
Mr. Satyam Sarkar, Advocates
... .. For the Petitioner

Mr. Deborshi Dhar,
Ms. Taniya Bhowmik,
Ms. Prerna Khaitan, Advocates
... .. For the Opposite party

1. Affidavit-in-opposition filed in Court be taken on record.
2. Petitioner seeks transfer of Title (Partition) Suit No. 148 of 2024 pending before the learned Civil Judge, Senior Division, Siliguri to the learned Civil Judge, Senior Division at Malda.
3. Learned advocate appearing for the petitioner submits that there is a matrimonial suit pending in the Court of Malda. The opposite party is working at Malda. One of the two immovable properties involved in the suit for partition is lying and situated at Malda. That apart, there are criminal cases which are pending in the Courts at Malda. There is a proceeding under Section 20(3) of the Hindu Adoption and maintenance Act, 1956 which is pending in the Court at Malda.
4. Learned advocate appearing for the opposite party submits that, opposite party is 59 years of age. He refers to the medial condition of the

opposite party. He submits that, the opposite party is scheduled to return to Siliguri. One of the immovable properties is at Siliguri. He submits that, the opposite party was assaulted when the opposite party visited the Court at Malda.

5. There are a number of litigations pending between the private opposite parties. There is a matrimonial suit which is pending at Malda. An application under Section 20(3) of the Hindu Adoption and Maintenance Act, 1956 is pending again at Malda. That apart, there are criminal proceedings which are pending in the Courts at Malda.
6. Petitioner before Court is the wife of the opposite party. Opposite party filed Title (Partition) Suit No. 148 of 2024 before the learned Civil Judge Senior Division, Siliguri. By such suit for partition, opposite party claimed partition of two immovable properties concerned. One of the immovable properties in the suit for partition is lying and situated at Malda.
7. Considering the fact that one of the immovable properties in the suit for partition, transfer of which is sought for in this application, is lying and situate at Malda and considering the fact that there are other proceedings pending between the two parties, as noted above, in the Court at Malda, this Court deems it appropriate to transfer Title (Partition) Suit No. 148 of 2024 pending before the Court of learned Civil Judge, Senior Division, Siliguri to the Court of learned Civil Judge, Senior Division at Malda.

8. Learned District Judge, Darjeeling will transmit all records of Title (Partition) Suit No. 148 of 2024 to the Court of learned District Judge at Malda. Upon receipt of the cause papers, learned District Judge Malda, will transfer Title (Partition) Suit No. 148 of 2024 to the appropriate Court of the learned Civil Judge Senior Division at Malda. The transferee Court is at liberty to proceed with Title (Partition) Suit No. 148 of 2024 from the stage that it obtained at the learned Civil Judge, Senior Division, Siliguri or from such stage as the transferee Court deem fit and proper.
9. It is expected that the transmission of records takes place within six weeks from the date of communication of this order to the learned District Judge, Darjeeling.
10. CO/207/2024 is accordingly, **disposed of** without any order as to costs.

[Debangsu Basak, J.]