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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
EXTRA-ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

ALP/16/2025

DOCTORS ASSOCIATION FOR MEDICAL AID (U.K.) AND ORS.
VS
TECHNO INDIA TECHNOLOGY LTD. AND ANR

BEFORE:

The Hon'ble JUSTICE SHAMPA DUTT (PAUL)

Date : 30TH APRIL, 2026.

Appearance:

Mr. Rajarshi Dutta, Adv.

Mr. Uttiyo Mallick, Adv.

Mr. Raunak Bose, Adv.

Ms. Mayuri Ghosh, Adv.

...for the petitioner.

Mr. Shahrukh Raja, Adv.

...for the respondent nos.1 & 2

The Court : The application under Clause 13 of the Letters Patent, 1865 read with Section 24 of the Code of Civil Procedure has been preferred praying for transfer of Title Suit No. 936 of 2017 pending before the Learned Civil Judge, 2nd Court (Senior Division) at Barasat to this Hon'ble Court.

The principal ground as made out by the petitioner herein for transfer is the ground of delay before the trial Court. Admittedly the suit is of the year 2017 and is a suit for declaration and injunction.

It is submitted by the learned Counsel for the Petitioner that in spite of an earlier direction for expeditious disposal by the High Court, the suit has not progressed.

Learned Counsel appearing for the respondents herein submits that the defendant no. 2 in the suit was served for the first time on 28th August, 2024 and he entered appearance in the suit on 25th September, 2024 and on appearing he has filed some interlocutory applications which are pending before the trial Court.

It is thus submitted that as the defendant No. 2 has entered appearance only in the year 2024, there is actually no delay in disposal of the suit and/or non compliance of the High Court' Order. It is thus submitted that the petitioners' prayer on the ground of delay is not a ground for transfer.

It appears from the affidavit in reply filed by the petitioner herein that the following applications are pending before the trial Court :

- (i) *Application of the Petitioners under Order 39, Rule 1 and 2 of the Code of Civil Procedure, 1908.*
- (ii) *Application under Section 8 of the Arbitration & Conciliation Act, 1996.*
- (iii) *Application under Order 9 Rule 7 of Code of Civil Procedure, 1908.*

Accordingly, on hearing the learned Counsel for the parties and on considering the issues involved in the present case, the application is disposed of with the direction that the trial Court shall make all endeavour to dispose of the pending interlocutory applications preferably within a period of three months from the date of this Order in accordance with the law and also make

all endeavour to proceed for disposal of the suit expeditiously, preferably within one year from the date of this Order.

ALP/16/2025 is disposed of accordingly.

(SHAMPA DUTT (PAUL), J.)

A.Dey