

Party Name : SMT. MALLIKA DAS & ORS Vs KANCHANTHUNG HALAM & ORS

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant application is filed under Section 24 of the CPC for transferring the case vide Title Appeal No. 12 of 2013 from the court of the learned District Judge, North Tripura, Dharmanagar to the court of learned Additional District Judge, Kamalpur, Dhalai.

Mr. DR Choudhury, learned counsel appearing for the petitioner submits that the suit land is situated at Mouja- Chankap under Kamalpur Sub Division and the petitioners are also permanent residents of Kamalpur. Thus, it would be proper to transfer the appeal vide Title Appeal 12 of 2013 from the court of learned District Judge, North Tripura, Dharmanagar to the court of learned Additional District Judge, Kamalpur, Dhalai.

Ms. AS Lodh, learned Additional Government Advocate appearing for respondent no. 3 to 8 submits that the State respondents have no objection to the prayer for transfer as the suit land is situated within the Kamalpur Sub Division under Dhalai District and not only that the Title Appeal no 13 of 2013 arising out of the same judgment has also been transferred to the court of learned Additional District Judge, Kamalpur, Dhalai.

This Court has gone through the contentions made in the instant petition.

Considering the entire facts and circumstances and particularly the contentions made in paragraph 6 and 7, this Court is of the opinion that the case should be transferred from the court of learned District Judge, North Tripura, Dharmanagar to the court of learned Additional District Judge, Kamalpur, Dhalai.

It is also submitted by the learned counsel for the parties that Title Appeal no. 13 of 2013 arising out of the same judgment has already been transferred. Accordingly, it is ordered that the case being Title Appeal no. 12 of 2013 which is pending before the learned District Judge, North Tripura, Dharmanagar is withdrawn from the file of the learned District Judge, North Tripura, Dharmanagar and is transferred to the court of learned Additional District Judge, Kamalpur, Dhalai

Learned District Judge, North Tripura, Dharmanagar shall transmit the record of the aforesaid appeal to the learned Additional District Judge, Kamalpur, Dhalai and after receipt of the same the learned Additional District Judge, Kamalpur shall issue notice upon the parties in the appeal so that they can appear before the court for hearing of the appeal. With the aforesaid order, the instant petition for transferring case No. Title Appeal 12 of 2013 is allowed and the same is disposed of accordingly.