

07.08.2026  
Item No.28  
Court No. 30  
Aloke

**CO 2038 of 2026**

**M/s. D. Mullick & Sons**  
**-vs-**  
**Syama Prasad Mookherjee Port, Kolkata**  
**(SMPK)**

Mr. Anirban Ray, Id. Sr. Adv.  
Mr. Soham Sen  
Mr. Soumyadeb Sinha  
Ms. Vidhi Birmecha  
... for the Petitioner  
Mr. Shubhankar Nag  
Mr. Debayan Sen  
Mr. Niket Ojha  
Ms. Ishadi Mandal  
... for the opposite party

1. The revisional application has been preferred praying for transfer of Misc. Appeal No.78 of 2025, from the Court of the learned Additional District Judge, 4<sup>th</sup> Court, Howrah to the any other Court of competent jurisdiction at Howrah.
2. Learned counsel appearing for the opposite party has at the first instance raised the point of maintainability on the ground that as it is a intra-court transfer in the District of Howrah, the District Judge, Howrah has the jurisdiction to consider the said application.
3. Mr. Ray, learned senior counsel appearing for the petitioner submits that this Court

has concurrent jurisdiction and the High Court has been approached also in view of the fact that the matter was earlier before the High Court in CO 2004 of 2026, wherein the Hon'ble Court had passed a direction fixing the next date of hearing on 17<sup>th</sup> August, 2026 and also directed expeditious hearing of the Misc. Appeal.

4. The said fact has been brought on record by filing a supplementary affidavit.
5. As such, this Court does not require any further argument as to the concurrent jurisdiction of this Court regarding the prayer for transfer in this case but preferably the parties should always invoke the jurisdiction of the Court of 1<sup>st</sup> instance, before approaching the High Court, as the same only adds to the number of pending cases.
6. But considering that an order has been passed by a Coordinate Bench relating to the same Misc. Appeal, this Court on hearing the learned counsels for the parties more so the petitioner who has prayed for transfer on the ground that he apprehends that he will not get justice from the concerned Judge still presiding, as the learned Additional District Judge, 4<sup>th</sup> Court, Howrah, on the ground that there are occasions when orders have been passed which has caused prejudice to the

petitioner, for which he had to approach the High Court on certain occasions, as the learned Judge has already made up his mind, considering the orders and the statements made by the Judge in open Court. Prayer of the petitioner for transfer is allowed in the interest of justice.

**7.** Accordingly, Misc. Appeal No. 78 of 2025 is withdrawn from the Court of learned Additional District Judge, 4<sup>th</sup> Court, Howrah and be transferred to the Court of learned District Judge, Howrah and the District Judge, Howrah shall hear the matter himself, on the next date already fixed that is on 17<sup>th</sup> August, 2026 and also proceed to dispose of the Misc. Appeal as directed by a Coordinate Bench in CO 2004 of 2026.

**8. CO 2038 of 2026 is disposed of.**

**9.** Parties to act on the server copy of this order.

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

**( Shampa Dutt (Paul), J. )**