

JPD-4-6
Ct No.07
16.06.2026
(SSS)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 76 of 2026
With
CO 78 of 2026

Bimal Roy and Ors.
Vs.
Ganesh Chandra Sikder and Ors.

Dr. Arjun Chowdhury,
Ms. Sunayana Parveen,
Ms. Riya Agarwala,
Mr. Mantu Mandal

.... for the Petitioners.

1. Both the applications under Section 24 of the Code of Civil Procedure are taken up together due to the identity of the causes of action.
2. Insofar as CO No. 76 of 2026 is concerned, the petitioners allege that the plaintiffs/opposite parties are practising advocates of the Alipurduar Court and filed the suit for declaration of their title and consequential reliefs.
3. When the defendants/petitioners, it is submitted, sought to contest the suit by engaging advocates, such advocates were stiffly resisted by the plaintiffs/opposite parties from effectively participating in the suit on the strength of the membership of the opposite parties of the Alipurduar Bar Association.

4. On such ground, the petitioners seek a transfer of this suit to some other court.
5. Insofar as CO No. 78 of 2026 is concerned, challenging an ad-interim order of injunction passed in connection with the suit referred to above, the petitioners have taken out an appeal, regarding which the self-same impediment is being faced by the petitioners, since they are having difficulty in having access to justice and legal representation, in view of the plaintiffs/opposite parties being members of the concerned bar and influencing other members of the bar from taking up the cause of the petitioners.
6. Since a sufficiently strong *prima facie* case for transfer of the cases have been made out on the basis of the averments made in the applications, the petitioners are directed to serve copies of CO No. 76 of 2026 and CO No. 78 of 2026 on the respective opposite parties, alongwith server copies of this order, and file affidavits of service accordingly on the returnable date.
7. There shall be stay of all further proceedings in Title Suit No. 2 of 2024 pending before the learned Civil Judge (Senior Division) at Alipurduar as well as stay of all further proceedings in Miscellaneous Appeal No. 17 of 2025 pending before the learned Additional District Judge, Second Court at

Alipurduar till August 31, 2026 or until further order, whichever is earlier.

8. In the backdrop of the allegations made by the petitioners about getting no representation before the concerned court, which may make it difficult for the petitioners to find any advocate willing to represent the petitioners even for the purpose of communicating this order to the Trial Court and the Appellate Court respectively, the Registry of this Court shall communicate this order to the concerned Courts by special messenger at the cost of the petitioners, to be deposited in each of the matters by tomorrow (17.06.2026).
9. CO 76 of 2026 and CO 78 of 2026 shall be listed for hearing together before the appropriate Bench in the next Circuit.

(Sabyasachi Bhattacharyya, J.)