

JPD-5
Ct No.07
16.06.2026
(SSS)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 77 of 2026

Bimal Roy and Ors.
Vs.
Gunindra Chandra Sikder and Anr.

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

.... for the Petitioners.

1. The present application is for transfer of a suit filed by the plaintiffs in the concerned Court at Alipurduar.
2. The allegations in the application are primarily that the plaintiffs are facing stiff resistance in conducting the suit in the said court in view of the defendants/opposite parties being practising advocates in the Alipurduar Court, so much so that due to lack of proper representation, the aforesaid suit has been dismissed for default.
3. It is submitted by learned counsel appearing for the petitioners that the petitioners are having difficulty in even filing an application for restoration of the suit in the Alipurduar Court for the above reason.
4. Although the petitioners seek a restoration of the suit by this Court, such course of action would be

contrary to the scheme of the Code of Civil Procedure and would be effectively usurping the jurisdiction of the Trial Court.

5. However, this Court may very well consider transfer, if the petitioners ultimately substantiate legitimate grounds therefor, subject to an application for restoration of the suit being filed in the first place before the jurisdictional court.
6. Be that as it may, since the suit, of which transfer has been sought, is no longer subsisting in view of having been dismissed for default, at the present juncture, there is no scope of passing any order in connection with the same.
7. Accordingly, the matter is adjourned till the next Circuit with liberty to the petitioners to seek an amendment to the present transfer application by introducing the additional prayer of transfer of the restoration application, if any filed by the petitioners in connection with Title Suit no. 131 of 2025, which was dismissed for default by the learned Civil Judge (Junior Division), at Alipurduar.

(Sabyasachi Bhattacharyya, J.)