

17.09.2026
Item No.25, 26 & ADL 1
Ct. No. 30
Aloke

**CO 3223 of 2026
with
CAN 1 of 2026**

**ITC Limited
Vs.
Dalhousie Holdings Limited & Anr.**

**with
CO 3282 of 2026**

**Exide Industries Limited
Vs.
Dalhousie Holdings Limited & Ors.**

**with
CO 3285 of 2026**

**Set Square Estates Private Limited
Vs
Dalhousie Holdings Limited & Anr.**

Mr. S. N. Mookherjee, ld. Sr. Adv.
Mr. Ratnanko Banerji, ld. Sr. Adv.
Mr. Jishnu Chowdhury, ld. Sr. Adv.
Mr. Zulfiqar Ali Alquadri
Mr. Yash Singhi
Mr. Naman Choudhury
Mr. Aman Khemka.

.... for the petitioner in CO 3223 of 2026

Mr. Joydip Kar, ld. Sr. Adv,
Mr. Anirban Roy, ld. Sr. Adv.
Mr. S Banerjee
Mr. S. Dutta
Mr. T Mukherjee
Mr. Arkaprava Sen
Mr. Debrup Bhattacharyya
Ms. Amrita Panja Moullick

... for the respondent no. 1
in CO 3223 of 2026

Mr. Soumabha Ghosh
Mr. Zulfiqar Ali Alquaderi
Mr. Aman Khemka

... for the respondent No.18
in CO 3223 of 2026

Mr. Dipranjan Mukhopadhyay
Mr. Niladri Khanra
Mr. Souvik Ghosh

... for the respondent No.8

in CO 3223 of 2026

Ms. Sulagna Mukherjee
 Ms. Sujatna Mukherjee
 ... for the O.P./defendant No.14
 in CO 3223 of 2026

Mr. Sidhartha Sharma
 Mr. Rishav Dutt
 Mr. Roshan Sengupta
 for the respondent no.21
 in CO 3223 of 2026 and
 CO 3285 of 2026

Mr. Jihnu Chowdhury, Sr. Adv.
 Mr. Arik Banerjee
 Mr. Abhidipto Tarafdar
 Mr. Joydeb Ghorai
 Mr. Saugata Bernerjee
 Mr. Diptesh Ghorai
 for the petitioner in CO 3282 of 2026

Mr. Deep Basak,
 Ms. Sujantee Datta,
 Ms. S. Das Chowdhury.
 for the petitioner in CO 3285 of 2026

Mr. Joyjeev Medhi
 Ms. Devanshi
 Ms. Swamali Saha
 Ms. S. Chatterjee
 ... for the respondent in CO 3282 of 2026

1. Mr. Kar, learned senior counsel appearing for the opposite parties submits that they have not been served in CO 3282 of 2026 and CO 3285 of 2026.
2. The issue being similar in all the three revisional applications, all three applications are taken up together for passing a common order.
3. The applications herein have been preferred for transfer of Title Suit No. 607 of 2026 (Dalhousie Holdings Limited vs. The Woodlands Syndicate & Ors.), pending before the learned 1st Civil Judge (Senior

Division) at Alipore to any other learned competent Court.

4. The principal contention of Mr. Mukherjee, learned senior counsel appearing for the petitioners is that the learned trial Judge is biased and has been passing one erroneous order after another, causing severe prejudice to the petitioners herein.

5. It is further submitted that the said learned Judge passed certain orders in Court and subsequently the orders were not uploaded immediately and later a different order has been passed causing further prejudice to the petitioners.

6. It is further stated that the learned trial Judge is reluctant to hear the application under Order 39 Rule 4 CPC, on one pretext or the other and has continued to keep the interim order in force which again has caused prejudice to the petitioners as they have been desperately seeking a hearing to vacate the said order, in view of the fact that the subsistence of the said interim order is also causing prejudice.

7. **Finally, the grievance of the petitioners is an apprehension of bias and prejudice.**

8. It is stated that an apprehension of such bias, which allegedly is prima facie evident from the conduct of the learned Judge and the impugned orders passed, leads to the fear that the defendants/petitioners herein **will not get justice** before the concerned Court. Hence, the prayer for transfer.

9. It appears that the District Court at Alipore, South 24-parganas has other Courts in the rank of Civil Judge (Senior Division), other than the Court which is hearing the matter and as such it is the learned District Judge at Alipore, who is the appropriate authority, who can take a reasoned decision in the present case, considering that the officers are functioning in his Judgeship.

10. Thus the prayer for transfer, if any, in the present case, can be considered by the learned District Judge, in respect of the Courts of the same rank which are functioning under him, if the learned District Judge deems it fit and proper.

11. The civil revisional applications are accordingly disposed of with liberty granted to the petitioners to approach the learned District Judge's Court with a prayer as made in the present civil revisional applications. The prayer may be made within 30th September, 2026.

12. From the order dated 07.09.2026 passed by the trial Court, it appears that the trial Court has fixed several dates in September, 2026 itself and assurance has been given by the parties herein before a Coordinate Bench that adjournments will be prayed for till 21st September, 2026, when another civil revision is fixed for hearing before the Coordinate Bench.

13. But considering the nature of prayer made in the present application and the grievance of the

defendants/petitioners herein, ends of justice requires, that the impugned proceedings before the trial Court be stayed till 30th September, 2026.

14. It is made clear that in case no application for transfer is made before the learned District Judge within 30th September, 2026, the order of stay shall stand automatically vacated.

15. It is further made clear that the learned District Judge shall be at liberty to take an independent decision in the matter, if placed before him and shall not be guided by any of the observations made by this Court.

16. As no affidavits have been called for, the statements in the pleading filed are deemed to be denied.

17. **The revisional applications are disposed of.**

18. Connected application, if any, stands disposed of.

19. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)