

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 514 of 2023

Applicant :- Satya Prakash Sharma And Another

Opposite Party :- Smt. Preeti Sharma And 2 Others

Counsel for Applicant :- Saurabh Gour, Sr. Advocate

Hon'ble Saral Srivastava, J.

1. Heard Sri A.B.L. Gaur, learned Senior Counsel assisted by Sri Rajesh Kumar Sharma, learned counsel for the applicant.

2. The present application has been filed by the applicant seeking transfer of Suit No.339 of 2013 (Smt. Preeti Sharma and others Vs. Satya Prakash Sharma and others), pending in the court of Civil Judge (Senior Division), Bulandshahr to some other adjacent District Court of competent jurisdiction.

3. It is submitted by the learned counsel for the applicant that the transfer has been sought on the ground that one Keshav Dev, brother of the opp. party No.1 is a practising Advocate in District Court, Bulandshahr and is influencing the proceeding of the Court, due to which the Court is not proceeding with the matter. In order to substantiate the said submission, learned counsel for the applicant has placed the order sheet of the case to indicate that on the last ten dates the plaintiff/opp. party did not appear, and yet the Court has not proceeded to pass any order dismissing the suit in default, whereas in normal circumstances the Court would have dismissed the suit in default for non-appearance of the plaintiff continuously on several dates.

4. Be that as it may, the allegation that brother of opp. party no.1 is a practising Advocate in District Court, Bulandshahr and whenever

the date is fixed in the matter, he appears along with 20-25 Advocates due to which the Court could not proceed, is not substantiated from the record, inasmuch as the order sheet reveals that the counsel for the plaintiff did not appear on the last several dates and when the plaintiff's counsel has not appeared in the case, there is no question that the counsel for the plaintiff/opp. party is influencing the Court as he appears along with number of Advocates.

5. In such view of the fact, this Court does not find any substance in the submission of learned counsel for the applicant to transfer the aforesaid Suit No.339 of 2013 from the Court of Civil Judge (Senior Division), Bulandshahr to some other adjacent District Court of competent jurisdiction.

6. Consequently, the Transfer Application is dismissed with no order as to costs.

Order Date :- 30.11.2023

NS