

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7844 of 2023

Petitioner :- Ravindra Singh

Respondent :- Amir Singh And 19 Others

Counsel for Petitioner :- Sanjay Singh, Amrendra Nath Rai

Counsel for Respondent :- Manoj Kumar Singh

Hon'ble Jayant Banerji, J.

1. List has been revised. No one appears for the petitioner to press this petition. Shri Jyoti Prakash (AOR No.A/J 0246/2012) holding brief of Shri Manoj Kumar Singh, learned counsel for the respondents, is present.

2. The order under challenge in this petition is dated 23.05.2023 passed by the District Judge, Mau in Misc. Civil Case No.86 of 2023, whereby an application filed by the petitioner for transfer of Original Suit No.92 of 1990 (Vikrama Singh vs. Amar Singh & Ors.) pending in the court of the Civil Judge (Senior Division), Mau, was dismissed.

3. I have perused the order impugned and have noted the observations made by the District Judge in paragraph 7 of his order, which is quoted below:-

"From the perusal of the file, it appears that on 18.04.2023, file was fixed for 19.04.2023 by the presiding officer in his own handwriting and the file was not fixed for 20.04.2023 and in this regard, allegation of the learned counsel for the applicants seems to be false and not credible. The presiding officer has not committed any illegality or irregularity in passing the order. The file in question comes within the purview of oldest File under 'Action Plan'. The Presiding Officer is hearing the file day to day basis. Hence, the application for transfer bearing no.4C2 has no substance and is liable to be dismissed."

4. The District Judge has noticed that the suit comes within the purview of 'Oldest File' under the 'Action Plan' and the Presiding Officer is hearing the file on date to day basis. As

such, the apprehensions voiced by the petitioner in this petition are baseless.

5. No interference is called for in this petition and the same is, accordingly, **dismissed**.

Order Date :- 28.10.2023
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(Jayant Banerji, J.)