

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 913 of 2023

Applicant :- Ram Bahal

Opposite Party :- Anand Pal Singh And 4 Others

Counsel for Applicant :- Amar Nath Tiwari, Rishi Kant Rai

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the applicant.
2. The present transfer application has been filed seeking transfer of Original Suit No.1233 of 2012 (Kailash Devi v. Ram Bahal and othhers) pending before Civil Judge (Junior Division), Court No.10, Deoria to some other court.
3. The record reveals that the suit was instituted by Kailash Devi, who died in the year 2018 and after her death, the application to substitute heirs of Kailash Devi was not filed and the suit was abated vide order dated 17.04.2018. Thereafter, second set of defendant in the suit filed an application for recalling the abatement order dated 17.04.2018 which is registered as Misc. Case No.89 of 2018.
4. The case of the applicant is that the son of the second set of defendant is Probationer Officer in the Juvenile Court at Deoria and taking advantage of his position, he is trying to influence the Court to get the decision in his favour and, therefore, justice demands that the Original Suit No.1233 of 2012 (Kailash Devi v. Ram Bahal and othhers) pending before Civil Judge (Junior Division), Court No.10, Deoria be

transferred to some other district.

5. Be that as it may, the only averment in regard to the fact that the son of the opposite party no.2, second set of defendant is Probationer Officer in Juvenile Court, Deoria and influencing the Court to get an order influencing to Presiding Officer of the court of Deoria have made in paragraphs 14 and 17 of the application.

6. The averment made in paragraph nos. 14 and 17 of the application are not supported by any material on record.

7. In such view of the fact, the ground on which the transfer is sought is not made out and, therefore, the transfer application being misconceived is **dismissed**.

Order Date :- 28.11.2023

A.N. Mishra