

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6157 of 2023

Petitioner :- Karta Ram

Respondent :- Civil Judge Junior Division Utraula Dist.
Balrampur And 2 Others

Counsel for Petitioner :- Iqbal Ahmad

Hon'ble Rajnish Kumar,J.

Shri Iqbal Ahmad, learned counsel for the petitioner submits that the respondent no.3 has filed Regular Suit No.43 of 2022 against the petitioner and others and despite a direction issued by this Court by means of the order dated 17.05.2023 in the Matters Under Article 227 No.2532 of 2023, the application for temporary injunction filed by the respondent no.3 and the objection against the same under Order-39, Rule-4 of the C.P.C. have not been disposed of, therefore a fresh direction may be issued and the District & Sessions Judge, Balrampur may be directed to transfer the case to some other Civil Judge, Utraula/ Balrampur, whereas the second petition for the same relief is not maintainable and transfer of the case without any basis can not be directed. Even otherwise, petition for transfer of case is not maintainable in view of statutory provision in C.P.C.

Dismissed accordingly.

(Rajnish Kumar, J.)

Order Date :- 11.12.2023

Haseen U.