

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- TrP (C) No.38/2025

Kanchan Slathia

..... Petitioner(s)

Through: Ms. Meenakshi Slathia, Advocate

Vs

Chander Singh Slathia

.....Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(24.12.2025)

1. The petitioner is a plaintiff in a civil suit which came to be filed on **20.11.2021** before the court of learned Munsiff (Additional Special Mobile Magistrate), Samba.
2. To the best of sense as is drawn from the averments made in the present petition read with documents accompanying therewith it comes forth that in the civil suit, the written statement has come to be submitted from the end of the sole defendant-Chander Singh Slathia and the case is suffering repeated proceedings with respect to filing of original documents and also for examination of parties by reference to Order 10 of the Code of Civil Procedure, 1908.
3. This Court is at loss to figure out as to why the civil court is making itself a prisoner at the hands of the litigants to

the lis in not proceeding further in the case, as filing of documents is not taking place from the end of plaintiff as well as defendant and also in case if the parties are not coming forth with their respective examination by reference to Order 10 of the Code of Civil Procedure, 1908.

4. An order dated **15.11.2025** passed by the trial court reflects that the respondent/defendant's counsel, Mr. Ganesh Sharma, Advocate, upon the case being called entered appearance and had heated arguments by insisting upon the framing of issues in suit and if the same not being able to be done by the civil court then asking for transfer of the suit to some other court.
5. On this reported incident, the Presiding Officer of the court of learned Munsiff (Additional Special Mobile Magistrate), Samba referred the case to the Principal District Judge, Samba for appropriate orders.
6. It is not very clear as what actually happened in the matter before the (Additional Special Mobile Magistrate), Samba between the learned Presiding Officer and the learned counsel which precipitated to the extent to suit file being referred to the Principal District Judge, Samba for appropriate orders.
7. Be as it may, the petitioner comes forth with the present petition under section 24 of the Code of Civil Procedure

(CPC), 1908 seeking transfer of the civil suit from the court of learned Munsiff (Additional Special Mobile Magistrate), Samba to a court of competent jurisdiction in Jammu.

8. The purported basis for the petitioner to seek transfer of file of her own civil suit is that the defendant started to threaten and harass the petitioner. In fact, the very said civil suit of the petitioner had even come to suffer dismissal for non-prosecution.
9. This Court is not convinced with any such like situation as is being presented by the petitioner for seeking the transfer of the civil suit.
10. The petitioner's apprehension is that she may not receive a fair trial and impartial hearing because of visible hostility, strained courtroom environment and threat perception.
11. If the purport and tenor of an order dated **15.11.2025** allowed to have its run in the matter of seeking transfer of cases from any given civil court, then every second civil suit shall be rendered vulnerable for transfer for any litigant to a lis not satisfied with the state and stage of proceedings to come forward and seek transfer of the civil suit.

12. Therefore, this Court ***dismisses*** the transfer petition with a direction to the learned Presiding Officer of the court of learned Munsiff (Additional Special Mobile Magistrate), Samba to maintain and exercise judicial authority to ensure that the conduct of civil suit preferred by the petitioner is carried out in a fair, transparent and stress free manner without allowing anybody, be it litigant or lawyer, to be overbearing the proceedings of the case and the presiding officer of the court.

13. Copy of this order be forwarded by the learned Registrar Judicial, Jammu for notice at the end of the Principal District Judge, Samba and for notice and compliance at the end of learned Munsiff (Additional Special Mobile Magistrate), Samba.

सत्यमेव जयते

(RAHUL BHARTI)
JUDGE

JAMMU
24.12.2025
Sneha