

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			CLR No.138 of 2025 <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Siddhartha Singh, learned counsel for the revisionist. 2. The present revisionist instituted a suit bearing Suit No.94 of 2024, Vijay Bahadur Jain vs. Ramesh Das and another and is aggrieved by the order dated 19.11.2025 passed by the learned District Judge, Udham Singh Nagar, whereby, the revisionist's transfer application for transferring the Suit from Rudrapur to Kashipur has been rejected. 3. It is argued by learned counsel for the revisionist that initially, the suit was filed in the court of Civil Judge (S.D.), Kashipur. In the said suit, the defendant moved a transfer application by raising an allegation of bias against the Presiding Officer and on such transfer application, the suit was transferred from Kashipur to Rudrapur. In the meantime, the Presiding Officer against whom the allegation of bias was raised transferred to another place and taking into consideration that the revisionist is aged about 80 years facing difficulty to join the proceeding at Rudrapur which is at about 70 kilometers far away from Kashipur, revisionist/plaintiff moved an application before the learned District Judge for transfer of proceeding from Rudrapur to Kashipur, however, the learned District Judge reject the application on 19.11.2025 by observing that seeking transfer is delaying tactice to expedite the proceeding and the age of the revisionist is not relevant since the matter was already transferred on an earlier occasion. 4. Learned counsel for the revisionist submits that this fact was brought to the knowledge of

		the learned District Judge that the then Presiding Officer against whom the defendant raised an allegation of bias have already been transferred despite this, learned District Judge reject the application of the revisionist who sought transfer of proceeding from Rudrapur to Kashipur on the ground that he is aged about 80 years. 5. After hearing the learned counsel for the revisionist and further after gone through with the order passed by the learned District Judge, what this Court observed that the suit was filed by the present revisionist and even if, there is delay in expediting the proceeding of suit, the ultimate sufferer would be the plaintiff/ revisionist. 6. Apart from this, the then Presiding Officer against whom the allegation of bias was raised by the defendant is now already transferred, therefore, there is no question of bias now. Furthermore, the revisionist is Senior Citizen aged about 80 years and therefore, it is not feasible him to go to Rudrapur in order to join the trial court proceeding. 7. In such view of the matter, this Court is of the view that since the revisionist is 80 years old and is a Senior Citizen and instituted a suit for cancellation of sale deed and if there is delay he would be the ultimate sufferer and furthermore the then Presiding Officer against whom the allegation of bias was raised by the defendant is already transferred, this Court is of the view that in the interest of justice, the proceedings of Civil Suit No. No.94 of 2024, Vijay Bahadur Jain vs. Ramesh Das and another which at present is pending in the court of Civil Judge (S.D.), Rudrapur should be transferred to the court of Civil Judge (S.D.), Kashipur. 8. In such view of the matter, the order passed by the District Judge is set aside and the proceeding of Civil Suit No.94 of 2024, Vijay Bahadur Jain vs. Ramesh Das and another, is transferred from the court of Civil Judge (S.D.),
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			Rudrapur to Civil Judge (S.D.), Kashipur forthwith. 9. Subject to the observation and direction as above, the present civil revision is disposed of finally. (Rakesh Thapliyal, J.) 23.12.2025 Ravi
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