



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/2163/2026</u> Ashok Kamboj ... Petitioner Versus Subhash Chandra ... Respondent <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Ms. Priyanka Agarwal, learned counsel for the petitioner. 2. Mr. Jitendra Chaudhary, learned counsel for the respondents. 3. By means of this writ petition, petitioner has sought the following reliefs:- (i) Set aside/quash the impugned order dated 11.07.2026 passed by the learned District Judge, Udham Singh Nagar in the petitioner's transfer application bearing No. Misc. Case No. 72 of 2026, whereby the learned District Judge has failed to assign Miscellaneous Case No. 45 of 2024 in Civil Appeal No. 21 of 2013 to a competent Court despite the vacancy of the Court where the said case is pending for more than 2 years (Annexure no. 7) Page No. 68 to 71. (ii) Issue an appropriate order or direction directing the learned District Judge, Udham Singh Nagar to forthwith exercise the administrative powers vested in him by assigning/transferring Miscellaneous Case No. 45 of 2024 (Ashor Kamboj vs. Subhash Chandra & Others) in Civil Appeal no. 21 of 2013, pending before the Court of the learned Second Additional District Judge, Udham Singh Nagar, to any other competent Court having jurisdiction, and further direct the transferee Court to decide the applications under Order XLI Rule 19 CPC and Section 5 of the Limitation Act as expeditiously as possible, preferably within a period of one week or any other reasonable time fixed by this Hon'ble Court. (iii) Issue an appropriate order or direction directing the learned Civil Judge (Junior Division), Jaspur to not proceed with the Execution Case no. 04



			of 2024 (Subhash Chandra & Ors v Ashok Kamboj & Ors) till the time Misc Case no. 45 of 2024 in Civil Appeal No. 21 of 20213 is heard and decided. 4. According to petitioner, he moved an application seeking restoration of Civil Appeal no. 21 of 2013, which was filed under Section 96 CPC, challenging the judgment and decree passed by trial court; in that appeal initially interim order was passed in favour of the petitioners, however, the appeal got dismissed for non-prosecution on 16.12.2019; petitioner moved an application seeking restoration of appeal, however, that application is not being considered for the reason that the court concerned is lying vacant since long and the appeal is not being transferred to some other competent court. 5. It is contended that petitioner is facing threat of eviction in execution of judgment and decree passed by trial court. 6. Learned counsel for the respondents, however, submits that petitioner has suppressed material fact that his application filed under Section 47 CPC was rejected and the order passed by executing court was not challenged anywhere. He, however, concedes that the court concerned is lying vacant for quite some time. 7. Having regard to the facts of the case, the writ petition is disposed of with a request to learned District Judge, Udhham Singh Nagar to consider petitioner's request for transfer of the appeal to some other court, as per law, within two weeks from the date of presentation of certified copy of this order. (Manoj Kumar Tiwari, J) 20.07.2026 Aswal
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