



① 4
Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION (Art. 227) NO. 948 OF 2014

PETITIONER
(Plaintiff)

Devi Prasad Upadhyay, son of
Late H.N. Upadhyay, aged 62
years, resident of MIG-353,
Jamnipali, Darri Korba, District
Korba (CG)

Civil & Revenue District Korba.

948/14
Presented by Shri. V.K. Chandra
dated 23/12/14

Vs

RESPONDENTS
(Defendants)

1. Ajiz Muskaan Construction
(wrongly mentioned as "Ajit"
in the order impugned),
through its Director Mirza
Tarik Beig (wrongly
mentioned as "Mircha" in the
order impugned), EG-9, Rajiv
Plaza, Bus Stand, Bilaspur,
Tahsil & Dist. Bilaspur (CG)
2. Mirza Tarik Beig (wrongly
mentioned as "Mircha" in the
order impugned), son of
Mirza Aziz Beig, EG-9, Rajiv
Plaza, Bus Stand, Bilaspur,
Tahsil & Dist. Bilaspur (CG).



WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

AS
9/1/15

HIGH COURT OF CHHATTISGARH : BILASPUR

W.P.(227) No.948 of 2014

PETITIONER

Devi Prasad Upadhyay

Versus

RESPONDENTS

Ajiz Muskaan Construction & another

W.P.(227) No.949 of 2014

PETITIONER

Manik Rao Bade

Versus

RESPONDENTS

Ajiz Muskaan Construction & another

W.P.(227) No.950 of 2014

PETITIONER

Smt. Kunda Bade

Versus

RESPONDENTS

Ajiz Muskaan Construction & another

And

W.P.(227) No.951 of 2014

PETITIONER

Sainit Bhawsaar

Versus

RESPONDENTS

Ajiz Muskaan Construction & another

Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

Present :- Shri Vivek Shrivastava, counsel for the petitioners.

ORAL ORDER

(Passed on this 5th Day of January, 2015)

Heard learned counsel for the parties.

1. These petitions under Article 227 of the Constitution of India have been preferred to challenge the order passed by the District Judge, Bilaspur, dismissing petitioners' applications under Section 24 CPC for transfer of

Civil Suit from the Court of Seventh Additional District Judge, Bilaspur to any other Court of competent jurisdiction.

2. The subject applications under Section 24 CPC were filed on the ground that the Presiding Officer is in the habit of stating to the plaintiff's counsel even before an interim application is taken up for consideration, that application deserves to be dismissed. He also uses mobile phone on the dais and has granted opportunity to the defendant to file his written statement even after expiry of six months period.
3. While dismissing the applications, the District Judge has mentioned that the suit was posted before the concerned Presiding Judge for the first time on 18-6-2014. It was thereafter posted on 11-7-2014, 14-7-2014, 23-7-2014 and 24-7-2014. On all the dates interim applications were considered and defendant was granted time to file written statement. On 30-7-2014, the defendant's counsel submitted written statement without containing the signature of the defendant, however, instead of returning the written statement the Presiding Officer kept it in the record. It is said that the written statement was signed by the Advocate but the defendant could not sign over it because he was out of station.
4. Merely because the written statement has been taken on record for which there was an order by the Court, it cannot be said that the concerned Presiding Officer is prejudiced against the plaintiff. No order on merits has been passed by the Presiding Officer which can be said to be such an absurd order which shocks the judicial conscience of the Court and compels it to draw an inference that the Presiding Officer is hell bent on passing an order against the plaintiff.
5. In the opinion of this Court, learned District Judge has not committed any error of jurisdiction while rejecting the petitioners' applications under Section 24 CPC.
6. Accordingly, all the writ petitions are dismissed.

Sd/-
Prashant Kumar Mishra
Judge