

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4709 of 2013

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Mahanth Raj Keshwar Bharti Chela Chandra Shekhar Bharti Resident Of
Village Done Mathiya, Police Station Done, District Siwan.

.... Petitioner.

Versus

1. Taujdar Nonia S/O Ramautar Nonia Resident Of Village Kanaila, Post
Office Kanhauli, Police Station Darauli, District Siwan.
2. Mohan Bharti S/O Mahadev Bharti Resident Of Village Kukur Bhuka,
Police Station Darauli, District Siwan.
3. Bharat Bhushan Bharti S/O Mohan Bharti Resident Of Village Kukur
Bhuka, Police Station Darauli, District Siwan.
4. Kumar Mangal Bharti S/O Mohan Bharti Resident Of Village Kukur
Bhuka, Police Station Darauli, District Siwan.
5. Sanjay Bharti S/O Mohan Bharti Resident Of Village Kukur Bhuka,
Police Station Darauli, District Siwan.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Ajay Tiwary, Adv.

For the Respondent/s : Mr. Ranjan Kumar Dubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

4 15-02-2016

Heard the learned counsel for the petitioner and

the learned counsel for the respondents.

The present application has been filed, assailing
the order by which the petition under Section 24 of the C.P.C.
filed by the plaintiff for transfer of the suit to another court has
been rejected. The petitioner filed T.S.No.340/2000 for declaring
the compromise decree passed in T.S.No.162 of 1988 as null and
void and also for relief of injunction. During the pendency of the
suit the prayer of the petitioner for grant of injunction restraining
the defendant 1st set from alienating the suit

property and operating brick-kiln over the suit land was allowed. It further appears from the impugned order that subsequently the petitioner filed a petition for grant of police help to stop the respondent from operating the brick-kiln which was declined by the court. Thereafter the petitioner filed the petition under Section 24 C.P.C. for seeking transfer of the suit to some other court imputing bias on the presiding officer of the court on that ground and also on the ground that the defendant was seen exiting from the chamber of the presiding officer. The learned District Judge by the impugned order has dismissed the petition filed by the petitioner.

After considering the submissions and the materials on record, this Court finds that the learned court below has rightly held that the order passed by the learned court below is a judicial order. It has further been also found there was no evidence to support the allegation that the defendant was seen exiting from the chamber of the presiding officer.

In this backdrop of fact and findings, this Court does not find any reason to interdict the impugned order.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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