

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.513 of 2016

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1. Kusum Devi W/o - Baban Singh R/o Village - Baghelwa, post - Akholiri pur Gola, P.S. Buxar (m), district - Buxar.

.... Appellant/s

Versus

1. Pavitri Devi W/o - Ramashankar Roy R/o Village - Baghelwa, post - Akholiri pur Gola, P.S. Buxar (m), district - Buxar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Digvijay Kumar Ojha
For the State : Mr. - Prabhat Kumar Verma AAG-3
: Mrs. Divya Verma, Ac to AAG-3

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 05-09-2016 Heard learned counsel for the petitioner State of Bihar is not a necessary party in this case.

Perused the order dated 19.04.2016, passed by learned District Judge, Buxar, whereby the learned court below rejected the Miscellaneous Transfer Petition No. 111 of 2010 for transfer to any other court from Additional District Judge-6th Buxar, on the ground mentioned in the application for transfer which has been annexed as Annexure-1 to this Civil Miscellaneous Application.

Learned counsel submitted that for the purpose of transfer of the appeal the District Judge is competent to make transfer but the court below held that the District Judge is

exercising the same jurisdiction as that of Additional District Judge-6th, therefore, he will not interfere with the judicial work which is being done by the court having same jurisdiction. Learned counsel placed sub Section 3 of Section 24 and submitted that Additional District Judge, court is subordinate to the District Judge, for the purpose of Section 24 of the CPC.

From perusal of the transfer application which is Annexure-1 it appears that the ground has been mentioned about some conversation between advocate and the court and that has been made the ground for transfer of the appeal from one court to another court. On that ground only transfer cannot be allowed and therefore, I find no reason to interfere with impugned order as such this civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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