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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 842/2014**

A N SHARMA Plaintiff

Through: Plaintiff in person.

versus

CHAIRMAN (HONBLE DISTRICT & SESSIONS JUDGE) & ORS.

..... Defendants

Through: Mr. Sushjil Kumar Pandey, Adv. for
D-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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15.12.2016

1. The civil suit at hand was instituted in this court but on account of change in the pecuniary jurisdiction, it was transferred to the district courts by proceedings recorded on 12.02.2016 by the Joint Registrar (judicial). It appears that defendant no.1 is District & Sessions Judge, New Delhi in his capacity as the Chairman of the Chamber Allotment Committee of Patiala House Court Complex, the grievance raised in the case being essentially directed against the decision taken by the said committee.

2. In these circumstances, the plaintiff may be correct in his submission that it will not be desirable that the District & Sessions Judge, New Delhi, even though the presiding officer has since changed, should sit in judgment over the matter. But then for such purpose, the proper course was for an application under Section 24 CPC to be presented in this court for it to be considered by the appropriate roster bench.

3. Rather than taking the appropriate steps in that light, the plaintiff moved an application under Section 151 read with Section 24 CPC before the District & Sessions Judge, New Delhi, to whom the case was transferred, who in turn has sent the case file “back” to this court.
4. The procedure adopted by the plaintiff and also by the learned District & Sessions Judge, New Delhi is not correct. There is no power vested in the District & Sessions Judge in law to transfer the case back to the High Court.
5. In this view, the case file is directed to be returned to the District & Sessions Judge, New Delhi and for the parties to appear before the said forum on 11.01.2017.
6. In the meantime, the plaintiff is granted liberty to move an application under Section 24 CPC in this court for appropriate relief.

R.K.GAUBA, J.

DECEMBER 15, 2016
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