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

+ C.R.P. 111/2016 & CM Nos.27625-27626/2016

DINESH KUMAR SHARMA Petitioner
Through Petitioner in person

versus

SUDHIR KUMAR & ORS Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
02.08.2016

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1. By the present petition the petitioner seeks to impugn the order dated 18.4.2016 passed by the District & Sessions Judge, (HQs.) The petitioner filed a Transfer Petition before the said Court seeking transfer of the suit back to the Court of ADJ-05 (Central) on the premise that the final arguments on the part of the applicant/plaintiff stood concluded and even the written submissions had been filed.
2. The impugned order held that the Court trying the case of the petitioner had not reserved the order. The appeal was disposed of with liberty to the petitioner to file an appropriate application seeking early hearing before the transferee Court.
3. The grievance of the petitioner is that the arguments in his suit had been concluded and thereafter the matter has been transferred to another Court meaning thereby the matter would have to be heard afresh. A

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perusal of the order of ADJ, Central, Tis Hazari Courts, dated 25.1.2016 shows that the arguments had been heard at length and written submissions had been filed by the plaintiff. However, arguments were not concluded and the matter was adjourned to 15.3.2016 for arguments of the plaintiff in rebuttal. The order also recorded that learned counsel for defendant No.2 was not available.

4. On 15.3.2016 the Trial Court noted that vide Order dated 25.1.2016 of the District & Sessions Judge, (HQs.), the case stood transferred to ADJ-17 (New Court). Clearly, judgment had not been reserved and the matter was only part-heard.

5. In the light of the above facts there is no infirmity in the impugned order. The petition is dismissed.

JAYANT NATH, J

AUGUST 02, 2016
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