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

+ **W.P.(C) 1901/2017 & CM APPL. 8416/2017**

MOTI LAL JAIN

..... Petitioner

Through : Mr.Anuj Jain, Advocate.

versus

REGISTRAR GENERAL DELHI HIGH COURT AND ORS

..... Respondents

Through : Mr.Sanjay Ghose & Mr.Nishank Tyagi,  
Advocates for R1.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE S.P.GARG**

**ORDER**

% **07.07.2017**

The petitioner's grievance is with respect to an order made on the administrative side by the learned Single Judge in the course of proceedings in civil suit – CS (OS) 170/2016. The present petitioner was arrayed as defendant in the suit. The suit was for recovery of possession of immovable property. During the course of proceedings based upon the petitioner's contention, the records of some other proceedings, i.e. Suit No. 89/2014 were called for. The learned Single Judge was, prima facie convinced about the irregularity of the proceedings and certain orders by the impugned order stated as follows were made :

*“6. The entire proceedings of the suit conducted by Ms.Rachna Tiwari Lakhanpal, Senior Civil Judge, Delhi appear to be suspicious.*

*7. It is felt that the file of the present suit should also be sent to the Investigating Agency for investigating charges of corruption against the learned Judge.*

*8. This order along with the requisitioned file be placed before Hon'ble the Chief Justice for further action.”*

The petitioner's grievance is that during the pendency of CS (OS) 170/2016, the administrative order – impugned in this case would have serious repercussions on the merits of his defence. It is urged that the order was made without observing principle of natural justice or even hearing the petitioner's side conversant of the facts and therefore ought to be interfered.

The Court is of the opinion that the order of the Single Judge dated 06.12.2016, was made in exercise of his inherent powers. The observations that he recorded in the course of the order are necessarily, prima facie and do not reflect on the merits of the dispute in CS (OS) 170/2016. Since there is no finality in the sense that the petitioner has not been faced with an adverse order or even can contemplate an adverse order at this stage, a question for granting opportunity of hearing did not arise.

In any event, to allay any apprehension, this Court clarifies that sending matter for investigation and appropriate action by the Chief Justice, the said order has to be understood as recording only tentative and prima facie observations. It would not be conclusive to the merits in CS (OS) 170/2016.

The writ petition is disposed of. Pending application also stands disposed of.

**S. RAVINDRA BHAT, J**

**S.P.GARG, J**

**JULY 07, 2017 / tr**