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

+ TR.P.(C.) 52/2017

SATISH KUMAR JAIN Petitioner
Through: Mr.R.K.Jain, Advocate.

versus

VEENA JAIN & ORS Respondents
Through: None.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **02.05.2017**

1. By way of this transfer petition, the petitioner has prayed for transferring Civil Suit No.106/2012 titled as '*Satish Kumar Jain vs. Shanti Lal Jain (Deceased) & Ors.*' presently pending in the Court of Ms.Pragati, Civil Judge-06, West District, Tis Hazari, Delhi to the Court of Ms.Chhavi Kapoor, Metropolitan Magistrate-1 (Mahila Court), Shahdara District, Karkardooma, Delhi (the then Civil Judge-06, West District, Tis Hazari, Delhi).

2. Notice of the petition was not issued to the respondents and in the proceedings dated 27th March, 2017 submission of learned counsel for the petitioner was recorded to the effect that as per his instructions, the respondents have no-objection to the present transfer petition.

3. Mr.R.K.Jain, Advocate for the petitioner submits that Civil Suit No.106/2012 seeking the relief of possession was filed by the petitioner on TR.P.(C.) 52/2017

3rd December, 1984. After the defendant's evidence was closed on 13th December, 2013, final arguments in the matter have been heard during the period 06th January, 2016 to 28th January, 2017. Thereafter, the matter was listed for judgment which was to be pronounced on 27th February, 2017. However, the learned Civil Judge-06, West District, who has heard the arguments and fixed the case for judgment, has been transferred from the said Court and posted as Metropolitan Magistrate-1 (Mahila Court), Shahdara District, Karkardooma, Delhi whereas the case file of Civil Suit No.106/2012 is lying pending in the successor Court of learned Civil Judge-06, West District, Tis Hazari, Delhi.

4. Learned counsel for the petitioner submits that since the matter was listed for pronouncement of judgment when the learned Presiding Officer Ms.Chhavi Kapoor, Civil Judge-06, West District, who has heard the arguments and fixed the case for judgment, stands transferred as Metropolitan Magistrate-1 (Mahila Court), Shahdara District, Karkardooma, Delhi, the case file of Civil Suit No.106/2012 may be transferred to the Court of Ms.Chhavi Kapoor (the then Civil Judge-06, West District, Tis Hazari, Delhi) now Metropolitan Magistrate-1 (Mahila Court), Shahdara District, Karkardooma, Delhi for pronouncement of judgment.

5. On 28th April, 2017 the Registry was directed to place on record the transfer/posting order, whereby Ms.Chhavi Kapoor, the then Civil Judge-06, West District, Tis Hazari, Delhi was transferred, alongwith the notes/instructions enclosed with the transfer/posting order.

6. The Registry has placed on record the transfer/posting order No.04/Delhi High Court/GAz./G-7/VI.E.2(A)/2017 dated 1st February, 2017 which was to be given effect from 6th February, 2017. In the

transfer/posting order, the name of Ms.Chhavi Kapoor, the then Civil Judge-06, West District, Tis Hazari, Delhi has been mentioned at Serial No.39. This transfer/posting order is with the Notes at the end of list. Note no.2 reads as under:-

‘2. The Judicial Officers under transfer shall pronounce the judgments/orders in the cases in which they had reserved judgments/orders before relinquishing the charge of the Court in terms of the postings/transfers orders, and in case any matter for pronouncement of judgment/order has been fixed beyond the effective date of postings/transfers order, then the said matter shall be preponed and the judgment/order shall be pronounced before relinquishing the charge of the Court in terms of the postings/transfers order.’

7. As required under Note No.2 in the transfer/posting orders extracted above, Ms.Chhavi Kapoor, the then Civil Judge-06, West District, Tis Hazari, Delhi, has not preponed the date of hearing in Civil Suit No.106/2012 which was fixed for 27th February, 2017 for pronouncement of judgment and pronounced the judgment.

8. In exercise of supervisory powers vested in this Court under Article 227 of the Constitution of India, it is directed that case file of Civil Suit No.106/2012 be sent to the Court Ms.Chhavi Kapoor, Metropolitan Magistrate-1 (Mahila Court), Shahdara District, Karkardooma, Delhi (the then Civil Judge-06, West District, Tis Hazari, Delhi) through concerned District & Sessions Judges.

9. The parties are directed to appear before the Court of Ms. Chhavi Kapoor, Metropolitan Magistrate-1 (Mahila Court), Shahdara District, Karkardooma, Delhi (the then Civil Judge-06, West District, Tis Hazari, Delhi) on 11th May, 2017 on which date either the learned Judge shall

pronounce the judgment or shall fix a date for pronouncement of judgment.

10. It is further directed that after pronouncement of judgment and preparation of decree sheet in Civil Suit No.106/2012, the case file be sent back to the successor Court i.e. to the Court of Ms.Pragati, Civil Judge-06, West District, Tis Hazari, Delhi.

11. The petition stands disposed of in above terms.

12. A copy of the order be sent through Special Messenger to the Court of Ms.Pragati, Civil Judge-06, West District, Tis Hazari, Delhi and to the Court Ms.Chhavi Kapoor, Ms.Chhavi Kapoor, Metropolitan Magistrate-1 (Mahila Court), Shahdara District, Karkardooma, Delhi (the then Civil Judge-06, West District, Tis Hazari, Delhi) through concerned District & Sessions Judges for information and compliance.

13. As prayed, copy of the order be also given dasti to learned counsel for the petitioner under signature of Court Master.

PRATIBHA RANI, J.

MAY 02, 2017

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