

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2467 of 2017

=====

Janeshwar Sharma of Late Kamal Sharma, Resident of Village- Nath Kharsa, P.S. Mehendiya, District- Arwal.

.... Petitioner/s

Versus

1. Parasuram Sharma.

2. Bishram Sharma, Both sons of Late Nunu Sharma, resident of Village- Puran, P.S.- Karpī, District- Arwal.

.....Opposite Parties 1st set.

3. Sudarshan Sharma, Son of Late Kamal Sharma, Resident of Village- Kharsa Nath, P.S.- Mahendiya, District- Arwal. At present residing in East Gandhi Maidan, Jehanabad Court Area, Jehanabad, P.O. + P.S. and District- Jehanabad.

....Opposite Parties 2nd set.

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

4 05-09-2018 This application has been preferred for transferring the Title Suit No.31 of 2012 from the Court of learned Munsif, Arwal under the Judgeship of Jehanabad to the competent Court of Patna Judgeship.

The Opposite Party Nos. 1 and 2 in the present application are the plaintiffs in the suit. When the application under Order XIV Rule 2 C.P.C. brought by the petitioner who is defendant in the suit was dismissed and the case was fixed for settlement of issues, the petitioner filed an application before the learned District Judge, Jehanabad for transfer of the case from the Court of



learned Munsif, Arwal to another Court. The record was thereafter transferred to the Court of Additional Munsif at Jehanabad. It appears that the petitioner had certain grievance with the Bench Clerk of the Court and had made complaint about it. By making some allegations against the learned Munsif, Arwal the petitioner filed an application seeking transfer of the case. A copy of the same has been brought on record as Annexure 4 to the present application.

On perusal of the order sheets of the case, it appears that the learned Court has for the reasons stated in the order warned the learned Advocate representing the defendant (the present petitioner) as according to the learned Court the behaviour of the learned Advocate was in the nature of interference with the Court proceeding. It seems that for the aforesaid reason now the petitioner has moved this Court for transfer of the records.

No one has appeared on behalf of the petitioner to press this application, however, going through the statements made in the writ application and taking note of the kind of allegations made therein, this Court finds that it is frivolous application which has been brought by the petitioner without there being any substance. The allegations of mala fide against the learned Munsif, Arwal has no basis to stand and nothing has been brought on



record to demonstrate that the action of the learned Munsif, Arwal is mala fide.

This application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

U			
---	--	--	--

