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

+ CM(M) 581/2018 and CM APPL.20111-20112/2018

VIJAY SINGH & ORS Petitioners

Through: Mr. Rahul Srivastava, Adv. with
Mr. Tushar Mathur, Adv.

versus

MANALI MALIK & ORS Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **15.05.2018**

The civil suit (presently registered as CS No.613064/2016) of the petitioners was instituted in 2007 on the original side of this court. It has since been transferred to the district courts on account of change of pecuniary jurisdiction and is now pending on the file of additional district Judge-03, (West), at Tis Hazari Courts Complex, Delhi.

The petitioners feeling dissatisfied and claiming cause of action to make such a move, presented an application for transfer under Section 24 of the Code of Civil Procedure, 1908 (CPC), which is pending on the file of District Judge (West) at Tis Hazari Courts Complex, Delhi. The presiding officer of the said court having demitted office, on attaining the age of superannuation on 31.10.2017, the vacancy not having been filled till date, the application has remained pending and un-addressed.

The existing instructions are that the officiating District Judge, *i.e.*, the senior most Additional District & Sessions Judge of the District, is expected to look after the work of the District Judge during vacancy in the said office.

At this stage, the learned counsel for the petitioners submitted that he may be permitted to withdraw the present petition and the applications filed therewith and instead approach the officiating District Judge to press for consideration and adjudication of the transfer petition.

While the petition and the applications filed therewith are dismissed as withdrawn, this court hopes and trusts that the officiating District Judge will accord necessary consideration upon application to such effect being moved before him by the petitioners within a week hereof.

Dasti under the signatures of Court Master.

MAY 15, 2018

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R.K.GAUBA, J.

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