

\$~17

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

+ CM(M) 643/2018

KAMLESH SINGH & ANR

..... Petitione

Through: Ms. Neha Garg, Adv.

versus

M/S SHREE CONVEYOR SYSTEMS LTD & ANR Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **28.05.2018**

CM No. 22843/2018 (exemption)

Allowed subject to all just exceptions.

CM(M) 643/2018

The suit of the petitioners is pending on the file of the District Judge (West) at Tis Hazari Court Complex. The presiding officer of the said court retired on reaching the age of superannuation on 31st October, 2017. Thereafter, the said position has been vacant, though the officiating District Judge i.e. the senior most Additional District and Sessions Judge posted in the district court is obliged under existing administrative instructions, to look after the work of the District Judge both on the judicial side and also on the administrative side. The prime grievance of the petitioners is that the suit is getting delayed as no meaningful progress has been made over the last seven months, but it is also submitted that the transfer application,

CM(M) 643/2018

page 1 of 2

though moved, pointing out urgency, was not entertained by the officiating District Judge with verbal observations that he did not have the necessary power and jurisdiction in terms of the Section 24 of the Code of Civil Procedure, 1908 (CPC).

The above impression carried out by the officiating District Judge vis-a-vis the jurisdiction under Section 24 of the CPC may not be correct as the Officiating District Judge has the necessary power and jurisdiction to entertain applications for transfer of cases from one court subordinate to the court of District Judge of the district to the other such court within the same district.

At this stage, the counsel for the petitioners submits that she may be allowed to withdraw the present petition and the application filed therewith as she intends to approach the officiating District Judge once again to pursue and prosecute the pending transfer application.

The petition and the application filed therewith are disposed of accordingly.

Dasti under the signatures of Court Master.

R.K.GAUBA, J.

MAY 28, 2018/uj