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

+ **TR.P.(C.) 104/2018**

MANAV ARORA & ANR

..... Petitioners

Through: Mr. Vinay Kumar Pathak, Advocate
along with petitioners in person.

versus

NIKHIL BHATIA & ANR

..... Respondents

Through: Respondent No.1 in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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30.05.2018

CM APPL.23611/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

TR.P.(C.) 104/2018

This transfer petition is yet another matter in a series of such cases which have been coming at regular intervals before this court with the grievances that the parties in question are suffering delay in adjudication of their cases which are pending on the file of the District Judge (West), the incumbent having retired upon attaining the age of superannuation on 31.10.2017, the consequent vacancy not having been filled up till date.

In the matters which have been dealt with earlier by this court, the parties were persuaded to go back to the officiating District Judge for the hearing on their pending applications or cases or appeals in view of the

instructions which have been issued by this court on the administrative side where-under the senior most Additional District & Sessions Judge posted and available in the district is expected to take care of the work – both judicial and administrative – of the District & Sessions Judge in the event of he being not available or there being vacancy in that office.

The petitioners in this case have their Adoption Petition– registered as Guardianship Petition No.14/2017 – pending before the District Judge (West). They are present in person with their counsel. The first respondent, who is the father of the child being given in adoption is also present in court in person on his behalf and also on behalf of his wife, *i.e.* the second respondent, who is the mother of the said child. In this view, this petition is virtually a joint petition moved by both sides.

The counsel for the petitioners submitted that being aware of the administrative directions, as mentioned above, he had even moved an application before the officiating District Judge for early consideration of the pending application but the officiating District Judge listed it for the date fixed, *i.e.*, 30th July, 2018 with verbal observations that he did not have the “*power and jurisdiction of the officiating Judge*”. The averments to this effect have been made in the petition which is supported by the affidavits of both the petitioners.

While necessary orders will have to be issued on the administrative side by this court to fill up the said vacancy, there is no reason why the officiating District Judge should abdicate his responsibilities.

The officiating District Judge is, thus, directed to take up the matter on 01.06.2018 and pass the necessary orders, after consideration, in accordance with law.

The petition is disposed of with these observations.

Dasti under the signatures of Court Master.

R.K.GAUBA, J.

MAY 30, 2018

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