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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TR.P.(C.) 147/2018

AMIRUDDIN & ORS.

..... Petitioners

Through: None.

versus

HANEEF

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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16.08.2018

The matter is taken up on an office note dated 03.08.2018 which reads to the effect:-

“The file has been received from the Court of Mr. Rakesh Tewari, District & Sessions Judge (East), KKD Courts, Delhi alongwith covering letter dated 01.08.2018 of District & Sessions Judge (East), KKD Courts, Delhi wherein he has requested for passing appropriate order for adjudication the case RCA No.10/17 titled Amiruddin & ors. vs. Haneef.

In this regard, it is submitted that vide minutes dated 16.10.2017 of the Hon’ble Administrative and General Supervision Committee, it is resolved as under:-

“that earlier resolution of the Administrative and General Supervision Committee held on 28.09.2015 regarding item No.8 authorising Principal Judge

(Headquarters), Family Courts, Dwarka to consider the request for transfer of the cases from the Family Court Judges on their recusal to hear the cases and to assign the same to another Family Court in the same District or in the nearest District, as he/she deems fit, is recalled.

Therefore, henceforth the request received from District and Sessions Judges and Principal Judges, Family Court for transfer of case from one District to another District, subordinate to the High Court and competent to try or dispose of the same, upon recusal of for any other reason, shall be placed by the Registry by way of reference before the concerned Bench for appropriate consideration and orders. The same be done for the item no.2 and 3.”

Proceedings dated 31.07.2018 of the District & Sessions Judge, East indicate that in RCA 10/17, the tenanted premises is situated at 144/11, Khureji Khas, Delhi-110051 falling within the territorial jurisdiction of the East District, KKD Courts but the final order of the learned ARC against which the appeal has been filed, was situated within the territorial jurisdiction of the District Shahdara and the records have been put up thus for transfer of the matter to the East District.

In view of the observations in the order dated 31.07.2018 of the learned District & Sessions Judge, East that the premises is situated within the area of the East District, KKD, RCA 10/17 which is against the impugned order dated 22.11.2016 of the RC, Shahdara, in the circumstances of the case as the tenanted premises is situated within

the East District is assigned to the RCT East, i.e., the Court of the District & Sessions Judge, East and the parties are directed to appear before the learned District & Sessions Judge, East, i.e., RCT East on the date 08.10.2018 at 2.30 PM.

Copy of this order be sent to the learned District & Sessions Judge, East along with the records and be also served on the counsel of either side.

ANU MALHOTRA, J

AUGUST 16, 2018/NC