

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 594 of 2019

Order Reserved on : 09/12/2019

Order Delivered on : 21/01/2020

- J. K. Lakshmi Cement Ltd. Co. Company, Through Sanjay Arora, S/o Shri H.G. Arora, General Manager, Geology and Liaisoning, Village Malpurikhurd, Tahsil Dhamdha, District-Durg, Chhattisgarh.

---- Petitioner

Versus

1. K. N. Kishore, Editor, Central Chronicle, Nav Bharat Press, Nav Bharat Bhawan Press Complex, Raipur, Chhattisgarh.
2. Raza Ahmed, Chhattisgarh Bhumi Adhikar Raksha Manch, Pradhan Karyalay 21/32, Bangla Bhilai Nagar, Tahsil and District-Durg, Chhattisgarh.
3. R. Ajit, Chief Executive Officer, Nav Bharat Press, Nav Bharat Bhawan, Press Complex, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. N. Naha Roy, Advocate.
For Respondent No.1	:	Ms. Usha Menon, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

CAV Order

21/01/2020

1. This petition has been brought being aggrieved by the order dated 16.7.2019 passed by the Court of District Judge, Durg transferring Civil Suit No.63B of 2013 from the Court of First Additional District Judge, Durg to the Court of 10th Additional District Judge, Durg and at the same time, transferring another Civil Suit No.6B of 2013 pending

before the Court of 9th Additional District Judge, Durg to the Court of 10th Additional District Judge, Durg.

2. It is submitted that learned District Judge has exercised the powers under Section 24 of CPC in an arbitrary manner. No comments were called from the transferee Courts. Further, the respondent No.3 had filed application for transfer of only one civil suit i.e. Civil Suit No.63B of 2013, therefore, the transfer of another Civil Suit bearing No. 6B of 2013 was totally uncalled for. Hence, it is prayed that this Court may exercise its jurisdiction under Article 227 Constitution of India and interfere with the impugned order.
3. Learned counsel for respondent has opposes the petition and submissions made in this respect. It is submitted that no error has been committed by the learned District Judge in passing the impugned order and it is prayed that the petition be dismissed. Reliance has been placed on the judgment of Supreme Court in Telangana Judges Association & another v. Union of India & others, reported in (2018) 14 SCC 275.
4. I have heard both the parties and perused the documents on record.
5. On perusal of the impugned order, it is clear that the learned District Judge has not called for any comments from the concerned Courts, however, there are reasons mentioned that the respondent No.3 had a complaint against the Presiding Officer of the Court and, further, that it was found expedient in the interest of justice that both the civil suits being between the same parties should be tried by a same Court, therefore, on this basis the order has been passed.
6. Section 24 of CPC empowers the District Judge to transfer any suit or other proceeding pending in any subordinate Courts to any other Court competent to try and dispose off the same even *suo-motu* and without any notice if the District Judge deems fit to do so. The reasons have been given in the impugned order of transfer of the cases which can be regarded as sufficient, therefore, it cannot be said that the learned

District Judge has exercised the powers in an arbitrary manner. Hence, there is no substance in this petition, which is liable to be dismissed and is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha