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

% Judgment delivered on: 01.05.2023

+ CM(M) 697/2023 & CM APPLs. 21756-57/2023

DELHI DEVELOPMENT AUTHORITY Petitioner

versus

M/S PUNJAB KESARI PUBLISHERS PVT. LTD.

AND ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Manika Tripathy, Mr. Animesh Gaba
and Mr. Shiva, Advs.

For the Respondent : Mr. Raj Shekhar Rao, Sr. Adv. with Mr.
Rohan Jaitley and Mr. Dhruv Chawla,
Advs. for R-1
Mr. Chirag Madan, Adv. for R-2/MCD

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. The petitioner challenges the order dated 28.01.2023 whereby on an application under Section 24 CPC, 1908 filed by the respondent in suit bearing No. 576079/2016 titled '*M/s. Punjab Kesari Publishers Vs. DDA*' pending in the Court of learned ADJ-03, Rohini Courts, North West, was withdrawn and resumed by the learned Principal District & Sessions Judge, North West District, Rohini Courts.

2. Ms. Tripathy, learned counsel appearing for the petitioner submits by pointing at the application that there was no such ground made out

which would fall within the purview of Section 24 CPC, 1908 and on the mere ipse dixit of the learned District & Sessions Judge, the matter was withdrawn from the Court of learned ADJ-03, Rohini Courts, North West.

3. Ms. Tripathi submits that this kind of impugned order would be deleterious to the morale of the judicial officers.

4. *Per contra*, Mr. Rajshekhar Rao, learned senior counsel appearing for the respondent No.1 on advance notice submits that the petition is not maintainable, for the reason that, subsequent to the impugned order, the application under Order XXXIX Rule 1 & 2 CPC, whereon the dispute had arisen, had already been heard by the Principal District & Sessions Judge, North West, Rohini Court on 02.02.2023 at the request of the petitioner herein and after hearing both the parties, by the order dated 02.02.2023 confirmed the interim orders passed under Order XXXIX Rule 1 & 2 CPC by the predecessor Court.

5. Mr. Rao submits that much water has flown and therefore the impugned order cannot now be recalled at this stage.

6. On a consideration of the submission of the learned counsel appearing for the parties as well as on being apprised of the order dated 02.02.2023, passed by the Principal District & Sessions Judge, North West, Rohini Court, this Court is of the considered opinion that the suit can continue further before the said Principal District & Sessions Judge, North West, Rohini Court and the application under Order VI Rule 17 CPC stated to be pending may be taken up for consideration on the next date of hearing.

7. This order does not reflect upon the learned Judicial Officer who

was in seisin of the said suit before the impugned order was passed and nor would the impugned order be considered as reflecting upon the said Judicial Officer in any manner whatsoever.

8. This Court is of the considered opinion that though the application seeking transfer under Section 24 of CPC, 1908 did not have the requisite grounds for interference as taken into consideration by the impugned order, however, since the learned Principal District & Sessions Judge, North West, Rohini Court, has already commenced the proceedings, it would be in the interest of justice to permit the continuation of the said case before the Principal District & Sessions Judge, North West, Rohini Court.

9. In view of above, the petition is disposed of with no order as to costs.

TUSHAR RAO GEDELA, J .

MAY 1, 2023/ms