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

% **Date of decision: 21st May, 2024**

+ **C.R.P. 157/2024**

MAHAVIR GUPTA & ANR. Petitioners

Through: **Ms. Nisha Priya Bhatia and Mr.
Rakesh Kumar Yadav, Advs.**

versus

DARSHAN GUPTA & ANR. Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

CM APPL. 30475/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioners, who are the defendants in the suit instituted by the respondents/plaintiffs, assail the impugned order dated 10.04.2024, passed by the learned Principal District and Sessions Judge, South District, Saket Courts, New Delhi¹, whereby their application under Section 24 of The Code of Civil Procedure, 1908 seeking transfer of the case bearing CS DJ 207916/2016 titled as Darshan Gupta v. Mahavir Gupta & Ors. from the court of learned

¹ PDSJ



ADJ-06, South District, to some other court, was declined.

4. None appeared on behalf of the respondents despite sending advance notice.

5. Having heard the learned counsel for the petitioners and on perusal of the record, I find that the present civil revision petition is bereft of any merits.

6. Learned counsel for the petitioners has urged that the learned ADJ-06 is entertaining strong personal bias against them so much so that costs of Rs. 15,000/- in total has already been imposed upon them by the Court.

7. It is submitted that after the framing of issues, the learned Judge is routinely giving directions for recording of the evidence of the parties by appointing a Local Commissioner at an exorbitant cost. Suffice to state that the learned PDSJ, rightly relying upon the decision in the case of **Jaswant Singh v. Virender Singh**², declined the prayer for transfer of the pending matter to some other court.

8. During the course of the arguments, learned counsel for the petitioners acknowledged that the earlier order dated 25.09.2023, whereby the learned Judge has passed directions for recording of their evidence as well as defendants' evidence by appointing a Local Commissioner, is being challenged on the judicial side. It appears that the main grievance of the petitioners is that they do not wish to bear the cost for appointment of the Local Commissioner for recording of the remaining evidence. In the entire civil revision petition, there are made no specific allegations about any kind of mis-conduct on the part

² MANU/SC/0107/1995



of the learned Judge/Trial Court, so as to demonstrate any patent bias in his mind. The allegations levelled by the petitioners appear to be scandalous, grossly unfair and uncalled for. The petitioners are warned to be careful in future.

9. Be that as it may, since the petitioners are already challenging the order dated 25.09.2023, in so far as the present civil revision petition is concerned, they are not entitled to any relief. Hence, the present civil revision petition is dismissed.

DHARMESH SHARMA, J.

MAY 21, 2024

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