



2024:DHC:8353



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 25th October, 2024***
+ **CM(M) 1899/2023 & CM APPL. 63308-63309/2024**

RAM PRABHAKAR

.....Petitioner

Through: Mr. Arun Pratap Singh Rajawat with
Ms. Kirti Gera, Advocates along with
petitioner with his son.

versus

PHILIPS PAINTS PVT. LTD. AND ORS

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The petitioner herein is decree holder and has filed an Execution Petition i.e. Ex No. 169/2022.
2. The present petition has been filed under Article 227 of the Constitution of India seeking to set aside order dated 10.11.2023 whereby the learned Principal District and Sessions Judge, South East District, Saket Courts has merely dismissed the transfer petition filed by the decree holder.
3. Petitioner herein has also, in the interregnum, moved an application under Section 151 of CPC seeking stay of the proceeding of the Execution. Keeping in mind the short point involved, the main petition is taken up today itself.



4. The above said impugned order dated 10.11.2023 would show that the decree-holder wanted the execution petition to be transferred to some other Court as according to him, it was not being fast-tracked and he apprehended that he would not get quick and fair hearing from that Court.

5. The said transfer application was disposed of while observing as under:-

“3. After going through the allegations of the applicant as made in the application, it seems that the grievance of the applicant is that the executing court is not proceeding with his execution petition expeditiously and has passed the orders erroneously in dismissing the early hearing applications of the applicant. In case any adverse order has been passed by the court then the applicant has legal remedies for the same and on that ground only no case for transfer of the case is made out. There is also nothing on record to show that the concerned judge is biased. Accordingly, I do not find any merit in the transfer petition and is hereby dismissed.”

6. Needless to say that the transfer of case from one Court to another cannot be allowed, merely, on the asking and unless and until, any such petitioner comes with a genuine and compelling reason, the transfer should not be allowed. It can't be permitted, based on some fanciful assumption either.

7. If decree holder, eventually, feels aggrieved by any order passed or to be passed in his Execution Petition, he can always seek appropriate remedy on judicial side by filing appropriate petition and, therefore, I do not find any merit in the present petition.

8. The petition, is accordingly, dismissed.



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9. The next date stands cancelled.

10. However, it is reiterated that in case the petitioner herein is aggrieved by any order passed by learned Executing Court, it will be open to him to take appropriate recourse as per law.

11. Needless to say that since the Execution Petition is pending since 2019, the learned Trial Court would make best endeavour to consider the same and dispose it as expeditious as possible.

(MANOJ JAIN)
JUDGE

OCTOBER 25, 2024

SW