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

+ **TR.P.(C.) 15/2025, CM APPLs. 5914/2025 & 5915/2025**

SH GAURAV MANUJA

.....Petitioner

Through: Petitioner in person

versus

MS DIMPLE DUGGAL & ORS.

.....Respondents

Through: Mr. Nitesh Kumar Singh and Mr.
Devender Singh, Advocates for R-1
Ms. Kritika Gupta, Advocate for
R-3/DDA

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

30.01.2025

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1. The present petition has been filed for transfer of suit bearing no 964/2018 pending before the court of Mr Kishore Kumar, ADJ-04, Rohini Courts, North District to Principal District Judge, North-West.
2. Issue notice. Mr. Nitesh Kumar Singh, learned counsel accepts the notice on behalf of respondent no. 1. Ms. Kritika Gupta, learned counsel accepts the notice on behalf of respondent no. 3/DDA.
3. Learned counsel for respondent no. 1 submits that the present petition has been moved with a *mala-fide* intention. Learned counsel submits that, in fact, the present suit has been pending since 2018, and the petitioner was not pursuing it. When the learned trial court insisted on continuing with the trial, the petitioner initially moved an application for transfer before the learned trial court, and while such an application is pending, the present petition has been moved.



4. The petitioner is present in person and submits that in the transfer petition filed by him before the trial court, even the notice has not been issued. The petitioner states that, inadvertently, the suit was filed before the court of the wrong jurisdiction.
5. The power of transfer is to be exercised under section 24 CPC is to be transferred only on the conditions as being laid down under section 24 CPC, which are as follows:-

“24. General power of transfer and withdrawal.-

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion, without such notice, the High Court or the District Court may, at any stage-

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it; and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) re-transfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which [is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

(3) [For the purposes of this section, -

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) "proceeding" includes a proceeding for the execution of a decree or order.]



(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

(5) [A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.]”

6. It is necessary to reproduce para 15 & 16 of the present petition being moved, which are as follows:-

“15. That after knowing the fact that the suit had been filed in wrong jurisdiction the petitioner files an application before the trial court on 23.11.2024 for the transfer of the case to the court of correct jurisdiction. That the Hon’ble court vide order dated 23.11.2024 pressurize the petitioner to lead the evidence instead of pursuing the transfer application court order of which is annexed as Annexure ‘A-3’.

16. That petitioner finding no other option started the Evidence. That after half of the evidence done on the very next date of hearing the Hon’ble judge vide order dated 24.12.2024 stopped the evidence and also stop the right to lead the further evidence and restrict the right of the petitioner. That against the impugned order dated 24.12.2024 the petition file the review application and in the same court which is pending and fixed on 29.01.25 which is annexed as Annexure ‘A-4’.”

7. This Court has carefully examined the arguments made for transfer under Section 24 of CPC. The petitioner is clearly trying to use this Court’s transfer jurisdiction to fill up the lacunas and to get around procedural flaws in his case, and the same cannot be permitted. It is well-established that the extraordinary jurisdiction granted by Section 24 CPC cannot be used to cover up lacunas in a case or gain an unfair advantage throughout the proceedings. In order to support a transfer of proceedings, the petitioner’s arguments are far from sufficient and are with *mala-fide*.



8. The present petition has no substance at all in light of the considerations above. The petition is dismissed along with the pending applications, if any.

DINESH KUMAR SHARMA, J

JANUARY 30, 2025

N/HT