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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 152/2024& CM APPLs. 50360/2024 & 3658/2025**
NALINI GUPTAPetitioner
Through: Mr. Neeraj Kumar Jha, Advocate

versus

M/S PROPECTUS CAPITAL PVT LTD.Respondent
Through: Mr. Vishal Gera, Ms. Ritu Sharma
and Mr. Shailender Sisodia and Mr.
Mukul Prakash, Advocates for R-1

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
21.01.2025

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1. The present petition has been filed for the transfer of the suit bearing CS (Comm.) No. 1261/2023, titled *Nalini Gupta vs. Profectus Capital Pvt. Ltd. & Ors.*, pending before the Court of the learned District Judge (Commercial Court-04), Central District, Tis Hazari Courts, to any other court of competent jurisdiction.
2. Learned counsel for the petitioner submits that the petitioner has filed a duly sworn affidavit stating that while on 09.07.2024, she was present in the court and the suit was fixed for hearing, two applications one under Section 43 of the Bharatiya Sakshya Adhiniyum, 2023, and the other under Order XVIII Rule 17 of the CPC were filed.
3. The petitioner states that upon perusal of the heading of the applications, the learned court made an observation that it was going to dismiss the applications. Learned counsel further states that on



12.08.2024, the respondents filed their reply. However, the court observed that the applications would be decided only after the conclusion of the defendants' evidence, despite the request of the petitioner's counsel that the proceedings regarding the application under Order XVIII Rule 17 of the CPC be heard immediately.

4. The petitioner further submits that on 12.08.2024, the learned Judge inspected the documents brought by the witness summoned by Respondent No. 1, and upon perusal of the said documents, remarked “*Iss se kya fayda hoga*” and directed the production of a certificate under Section 63 of the Bharatiya Sakshya Adhiniyum, 2023, without any interest or intervention from the party who had called or summoned the witness.
5. Learned counsel for the respondent submits that both applications were dismissed by the court via order dated 23.10.2024, and the petitioner has already filed CM(M) 3863/2024 and CM(M) 3869/2024, which are pending consideration before the Co-ordinate Bench of this Court.
6. A perusal of the affidavits indicates that the petitioner has sought the transfer of the case solely based on certain oral observations made by the learned judge, without even awaiting the formal decision of the applications. These applications were subsequently decided, and the decisions have been challenged in accordance with the law. Such transfer applications are quite frequent in nature, suggesting that parties sometimes attempt to exert undue influence on the courts.
7. The High Court is open to hearing any allegations of misconduct on the part of trial court judges, but it cannot permit the filing of



frivolous transfer applications. The transfer of a suit without any valid basis demoralizes the trial court judges.

8. In *Sanjay Goel v. Majestic Buildcon Pvt. Ltd.* TR.P.(C.) 75/2024, the Court emphasized that transfer petitions should be based on valid grounds, as baseless applications demoralize trial court judges and harm their reputation and career, and inter alia held as under:

“20. Transfer of a matter outside the court which is hearing it, and which has the jurisdiction to hear it, is an extremely serious matter. It is a step which is ordinarily not to be resorted to. It casts aspersions on the impartiality and, at times, even on the integrity, of the Judge hearing the matter. It seriously demoralizes the judge concerned. An order of transfer of a matter, even if innocuous in form, may be injurious in substance.

21. It is only, therefore, where cogent, convincing and clear material placed on record to indicate that either that the judge hearing the matter is prejudiced or biased, or that continuance of the proceedings in that court is bound to result in manifest injustice to either of the parties, that a court can, in exercise of the jurisdiction vested in it by Section 24 of the CPC, transfer the matter outside that court.”

9. This Court does not find any merit in the present petition. Hence, the present petition, along with the pending applications, stands dismissed with a cost of Rs. 10,000/- to be deposited with the Delhi High Court Legal Services Committee.

DINESH KUMAR SHARMA, J

JANUARY 21, 2025

N/NA