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

+ TR.P.(C.) 180/2025, CM APPL. 61313/2025-Stay, CM APPL.
61314/2025-Exp

NEETI SHARMA & ANR.

.....Petitioners

Through: Ms. Indira Goswami, Advocate

versus

KAILASH CHAND GUPTA & ORS.

.....Respondents

Through: Ms. Shruti Kapur, Advocate

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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25.09.2025

1. By virtue of the present petition, the petitioners seek transfer of C.S. (COMM) No. 669/2025, titled as “***Kailash Chand Gupta & Ors v. Neeti Sharma & Anr.***” pending before the learned District Judge (Commercial Court-01), (Central) Tis Hazari Courts, Delhi (***learned ADJ***), to any other competent Court within the same district. The aforementioned proceedings are relating to a suit for recovery of rent, mesne profits, and damages.

2. The present petition seeks transfer on the ground on what transpired before the learned ADJ on 17.07.2025, when as per learned counsel for the petitioners in presence of the petitioner no. 2 appearing in person and their learned counsel. It is the case of learned counsel for the petitioners that the transfer from the Court of present learned ADJ is sought since he had allegedly addressed one of the persons standing in the Court in a friendly manner, who according to them was with the respondents/ plaintiffs.



3. Interestingly, the parties herein were on 17.07.2025 itself referred for mediation before the Delhi Mediation Cell on 21.07.2025, wherein the parties appeared, and thereafter the petitioner no. 2 once again appeared in person along with the learned counsel for the petitioners before the learned ADJ when it was listed on 28.08.2025. Same was the position when it was again listed on 03.09.2025, the petitioner no. 2 once again appeared in person along with the learned counsel for the petitioners.

4. Not stopping thereto, it is notable that learned counsel for petitioners also agrees that the very same petitioners had filed their written statement alongwith the statement of truth and admission/ denial affidavit of the documents of the respondents/ plaintiffs prior to 28.08.2025 itself.

5. Surprisingly, despite thereto, the petitioners have chosen neither to aver anything qua them in detail nor to file any of the aforesaid before this Court. However, all the orders have been handed over by learned counsel for the respondents appearing on advance notice.

6. Now the proceedings before the learned ADJ are fixed for tomorrow, i.e. 26.09.2025.

7. Learned counsel for the petitioners also submits that the petitioners had also filed a similar petition being TP(C) 120/2025 before the learned Principal District and Sessions Judge, (Central), Tis Hazari Courts, Delhi for seeking transfer, however, the same was subsequently withdrawn on 18.09.2025. Once again, the petitioners have not filed the same along with the present petition.

8. Considering the averments made by the petitioners as also their conduct before this Court, this Court is of the opinion that the present petition is based on mere whims and fancies. The present petition is



nothing but a figment of infertile imagination of the petitioners with bald assertions without any basis.

9. Further, although this Court is told that the counsel appearing for the petitioners were different than what is appearing before this Court today, no affidavit of the said learned counsel who was appearing for the petitioners before the learned ADJ has been filed herewith.

10. The petitioners by way of the present petition are trying to cast unwarranted, fictitious and fallacious aspersions by making flimsy, misleading and mythical assertions on a sitting Judge of the learned Trial Court, which are not only contrary to the records before this Court but also without any backing thereto. This Court, in any event, takes a serious objection to the filing of the present petition, and that too by making and cooking up an imaginary story.

11. In view thereof, and finding no merit therein, the present petition along with applications, if any, is dismissed subject to cost of Rs.50,000/- to be paid by the petitioners to the Delhi High Court Bar Association Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period of *two weeks*.

SAURABH BANERJEE, J

SEPTEMBER 25, 2025/So