



2025:DHC:11161



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

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Date of Decision: 10.12.2025

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CM(M) 2349/2025, CM APPL. 76250/2025 & CM APPL. 76249/2025**BULL VALUE INCORPORATED VCC SUB-FUNDPetitioner**

Through: Mr. Parag P. Tripathi, Sr. Advocate,
Mr. Anurag Ahluwalia, Sr. Advocate
and Mr. Jagdeep Sharma, Sr.
Advocate with Mr. Kartikay Sharma
and Mr. Anirudh Sharma, Advocates

versus

DELPHI WORLD MONEY LTD**.....Respondent**

Through: Mr. Manish Vashisth, Sr. Advocate
with Mr. Harsh Sethi, Mr. Ankur
Garg, Ms. Devika Mohan, Mr.
Sukhpreet Maan, Mr. Anant Nigam,
Mr. Raghav Luthra, Mr. Vedansh
Vashisht, Ms. Niyati Kohli, Mr. Amit
Kumar Singh, Mr. Varun Maheshwari
and Mr. Manan Soni, Advocates

CORAM: JUSTICE GIRISH KATHPALIA**ORDER (ORAL)**

1. Broadly speaking, it appears that on 15.11.2025 the subject commercial suit was filed, and on 17.11.2025, the learned commercial court judge recused himself. On 19.11.2025, a petition for transfer of the subject suit, filed by the present respondent/defendant in this court was withdrawn.

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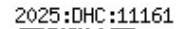
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Thereafter, the present respondent/defendant also filed a petition under Articles 226/227 of the Constitution of India, which petition is now posted for May 2026 with no stay of trial court proceedings. On 27.11.2025, the concerned learned Principal District & Sessions Judge dismissed the application under Section 24 CPC filed by the present respondent/defendant for transfer of the subject commercial suit from the commercial court, where the suit was pending; but the learned Principal District & Sessions Judge directed the commercial court to decide as to whether the application under Order VII Rule 10 CPC has to be heard first before the application under Order XXXIX Rule 1 and 2 CPC or otherwise. On the same day i.e., 27.11.2025, the learned commercial court, before whom the suit was getting passed over since morning, took up the matter in post lunch session and after being apprised of the order passed by the learned Principal District & Sessions Judge, the learned commercial court partly heard the counsel for the present petitioner on application under Order VII Rule 10 CPC but since learned senior counsel for respondent/defendant was not available, suit was adjourned to 01.12.2025, directing the parties to maintain *status quo* which was existing as on that day till next date.

2. Thereafter, on 28.11.2025, yet another application brought by the present respondent/defendant under Section 24 CPC for transfer of the subject commercial suit was filed, listed, heard and allowed before the same learned Principal District & Sessions Judge by way of the order impugned in the present case. The said transfer of the subject commercial suit was allowed upholding the allegation of the present respondent/defendant that



the learned District Judge, holding the concerned commercial court was biased because he did not record in order dated 27.11.2025 complete narration of the order of the same day as passed by the Principal District & Sessions Judge and also because the concerned commercial court passed *status quo* order till next date.

3. It needs to be examined in detail as to whether the transfer of the subject commercial suit ordered by the learned Principal District & Sessions Judge without obtaining comments from the learned District Judge, who was holding the earlier commercial court was proper exercise; whether in the proceedings under Section 24 CPC, the Principal District & Sessions Judge can direct a trial court as to how the proceedings have to be carried out; whether merely because towards end of the day while adjourning the matter, if the court directs parties to maintain *status quo*, an apprehension of bias can arise in the mind of the reasonable man; and lastly as to whether such transfer order would not have a demoralising effect on the judicial officer, who has been condemned unheard on the allegation of bias.

4. Learned senior counsel for petitioner has also referred to a detailed judgment of a coordinate bench of this court, in which certain specific guidelines were laid to be observed by the Principal District & Sessions Judge whenever transfer of a case is sought on the allegations of bias against a judge. The said judgment is in the case of ***Directorate of Enforcement vs Ajay S. Mittal***, 2024:DHC:4419. In the present case, the said guidelines were clearly flouted while passing the impugned order.

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5. In the course of arguments, learned senior counsel for petitioner (*in support of his submissions that the respondent/defendant is trying all tricks to somehow ensure that the suit does not get heard*), has taken me through pdf 683, which is a part of the transfer petition and paragraph 17 on that page alleges that on 21.11.2025, the concerned judicial officer also appeared to have logged in on the VC link of the High Court to observe the proceedings. This is a shocking allegation against a judicial officer. One wonders, why the concerned High Court Judge hearing the matter was not informed instantly that the learned judicial officer was linked in the VC. Learned senior counsel for respondent/defendant submits that the briefing counsel, who filed the said application expresses remorse and requests not to take any further action.

6. It is already 05:15pm and looking into such intricate issues, it shall not be possible to conclude the arguments today.

7. In view of above circumstances, operation of the impugned order shall remain stayed till next date. However, it is also made clear that this order shall not be a reason for either side not to comply with the directions of the Division Bench.

8. At this stage, learned senior counsel for respondent/defendant after discussing with the briefing counsel, who had filed the transfer petition submits that they also have instructions to consent for allowing this petition. I have specifically asked the learned briefing counsel for

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respondent/defendant and he submits that the present petition may be allowed, setting aside the impugned order and sending the suit back to the court of Sh. Rakesh Pandit, District Judge, Commercial Court, South West, Dwarka Courts, Delhi, where both sides shall appear on 12.12.2025 and shall address arguments in compliance with the directions of the Division Bench of this court in FAO(COMM) 336/2025.

9. Accordingly, the petition stands allowed. Pending applications stand disposed of.

10. Copy of this order be immediately dispatched to the concerned Principal District & Sessions Judge for information and necessary action.

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**GIRISH KATHPALIA
(JUDGE)**

DECEMBER 10, 2025/ry

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