
(2013) 05 AHC CK 0190

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 24940 of 2013

Jamila Anjum and Others

APPELLANT

Vs

Intekhab Alam and Others

RESPONDENT

Date of Decision : 03-05-2013

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 24

Citation : (2013) 05 AHC CK 0190

Hon'ble Judges : Sibghat Ullah Khan, J

Final Decision : Disposed Of

Judgement

Sibghat Ullah Khan, J.—Through this writ petition order dated 11.4,2013 passed by District Judge Allahabad on transfer application No. 296 of 2013, Intekhab Alam v. Jamila Anjum, transferring O.S. No. 766 of 2012, Jamila Anjum v. Intekhab Alam, from the Court of Additional Civil Judge (S.D.) Court No. 14 to Court of Additional Civil Judge (S.D.), Court No. 12 has been challenged. The only ground on which suit has been transferred is that the learned Presiding Officer of the Court of Additional Civil Judge (S.D.), Court No. 14 was trying to decide the case expeditiously by fixing short dates. The Court utterly disapproves such type of transfer orders. Instead of transferring the suit learned District Judge should have appreciated the efforts of learned Presiding Officer of the Court of Additional Civil Judge (S.D.), Court No. 14. Through this order this Court places on record its appreciation for the efforts of the Presiding Officer of Additional Civil Judge (S.D.), Court No. 14 in trying to decide the suit expeditiously. It is hoped that in other cases also learned Presiding Officer will do the same thing.

2. However, learned Counsel for the petitioner has very fairly stated that he has got no objection for hearing of the suit by the Court of Additional Civil Judge (S.D.), Court No. 12, Allahabad. The gesture is appreciated. Accordingly, writ petition is disposed of with the direction to the Presiding Officer of Additional Civil Judge (S.D.), Court No. 12 to decide the suit very expeditiously.

3. The fact that defendant filed transfer application clearly proves that defendant is interested only in adjournment of the case. Accordingly it is directed that absolutely no unnecessary adjournment shall be granted to any of the parties. If any adjournment is granted to any of the parties then it shall be on a very heavy cost which shall not be less than ? 1000/ per adjournment payable before the next date failing which defaulter party shall not be permitted to participate in the proceedings of the suit.

4. Office is directed to send a copy of this order to District Judge, Allahabad as well as to the Presiding Officer of Court of Civil Judge (S.D.), Court No. 14, Allahabad.

5. Writ petition is disposed of.