
(2007) 04 AHC CK 0178

In the Allahabad High Court

Case No : Civil Miscellaneous Case No.37 of 2007

Nirmal Robinson Clifford and Another

APPELLANT

Vs

Sri Virendra Chaubey and Others

RESPONDENT

Date of Decision : 19-04-2007

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 24

Citation : (2007) 04 AHC CK 0178

Hon'ble Judges : O.P.Srivastava, J

Final Decision : Dismissed

Judgement

O.P. Srivastava, J.—This is an application under Section 24 of the Code of Civil Procedure for transfer of Regular Suit No.119 of 1998, Nirman Robinson Clifford and Others v. Sardar Mahendra Singh and Others, pending before the Civil Judge (Senior Division), Gonda to any other District.

2. The applicant filed a regular suit against the respondent Nos.2 and 3, being Regular Suit No.119 of 1998 which is pending before Sri Virendra Chaubey, Civil Judge (S.D.), Gonda, respondent No.1.

3. This application for transfer has been filed on the ground that the Presiding Officer is pressurizing the applicants to transfer the property for consideration of Rs.4,00,000/ while the cost of the property is more than Rs.20,00,000/. It is also mentioned in the application that Rs.1,00,000/ was to go to the respondent No.1. However, it is admitted by the learned counsel for the applicant that for this alleged misconduct of the Officer, no complaint was made either to the District Judge or to the High Court.

4. As a natural conduct, if any Presiding Officer commits any misconduct, the concerned party should have approached the District Judge or High Court with details so that the matter could be examined. Mere on the applicant's saying that the Presiding Officer committed misconduct may be a device also to get the matter out of the district because in case there was any grievance to the

applicant as alleged, he could move to the District Judge for transfer of the case locally also if he is able to make out a case of transfer.

5. No ground for transfer of case outside district Gonda is made out. However, the matter should be left open for consideration by District Judge for transfer if applicant so moves and is able to make out a case for transfer. District Judge, if any such application is moved, will consider it on merit without being influenced by any of the observations made in the body of this order and decide the same in accordance with law.

6. With the above observations, I reject this application for transfer leaving it open to the applicant, if he so desires, to move to the District Judge, as observed above.

7. Interim order, if any, stands vacated.

(Application rejected)