

Court No. - 6

Case :- TRANSFER APPLICATION (CIVIL) No. - 528 of 2022

Applicant :- Mohd. Sarfaraz

Opposite Party :- Mohd. Abid And 3 Others

Counsel for Applicant :- Pavan Kumar

Hon'ble J.J. Munir,J.

1. This is an application seeking transfer of Original Suit No.925 of 2020, Mohd. Sarfaraz vs. Mohd. Abid and others, from the Court of Civil Judge (Jr. Division), Nagina, District - Bijnore to any other Court of competent jurisdiction in the Judgeship of Bijnore.

2. The applicant has sought transfer on the ground of allegations against the Presiding Officer in the Court of Civil Judge (Jr. Division). The learned District Judge was moved in the first instance, who after perusal of the material on record did not find any merit and rejected the applicant's plea seeking transfer, *vide* order dated 3.8.2022. The applicant has now moved to this Court for the same relief.

3. The allegation against the Presiding Officer in the Trial Court is that learned Judge is under the influence of respondent nos.2 to 4. On 23.9.2021, Shubham Jain, the *Parokar* of respondent nos.2 to 4 visited the Trial Judge and the learned counsel representing respondent nos.2 to 4 also visited the Judge for 15 minutes in his chamber. At that time, the *Parokar* of respondent nos.2 to 4, to wit, Shubham Jain was standing outside the Chamber of the learned Judge. It is further stated in paragraph 15 that no written statement has been filed by the defendants till date. There is no possibility of the trial of suit being concluded in the near future.

4. Heard Mr. Pavan Kumar, learned counsel for the applicant at length in support of this application.

5. The allegations that have been levelled against the Presiding Officer in the Trial Court are reflective of the current trend in the society where the general public have developed the mind set to overawe Judges by complaining and maligning them on baseless allegations. The allegations disclosed on affidavit in the present transfer application are so frivolous that they are only stated to be rejected. Such tendencies are required to be

put down with a heavy hand.

6. In the circumstances, this application is **dismissed** with the costs of Rs.10,000/- which the applicant shall deposit in the account of District Services Legal Authority, Bijnore within 15 days hence. In case, the cost is not deposited, the District Magistrate, Bijnore shall recover the costs as arrears of land revenue and cause them to be deposited in the account of the Secretary, District Legal Services Authority, Bijnore forthwith.

7. Let this order be communicated to the Civil Judge (Junior Division) Nagina, District - Bijnore through the learned District Judge, Bijnore, the learned District Judge, Bijnore, the Secretary, District Legal Services Authority, Bijnore and the District Magistrate, Bijnore by the Registrar (Compliance) by **31.8.2022**.

Order Date :- 29.8.2022

Rishabh