

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, PATNA

MISC. (TRANSFER) CASE No.41 OF 2026

Bhushan Prasad Singh

Petitioner

Vs.

Sri Chandranath Thakur & Ors.

Opposite Parties

**Order
No.**

Date

O R D E R

06 13-07-2026

1. The present Miscellaneous (Transfer) Application has been filed under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of Miscellaneous Appeal No.26 of 2021, presently pending before the Court of the District Judge-XIV, Patna, to another competent court.
2. Heard Sri Dipankar Das, learned counsel for the petitioner and Sri Akshat Sinha learned counsel for opposite party no.1.
3. Learned counsel for the petitioner submitted that opposite party no. 2 and 3, being the appellants, have preferred Miscellaneous Appeal No. 26 of 2021 against the order dated 16.01.2021 passed in Title Suit No. 296 of 2017, whereby the injunction petition dated 03.08.2017 filed by the plaintiff/petitioner was allowed. It was contended that the said appeal was instituted without annexing the certified copy of the impugned order dated 16.01.2021.
4. It was further submitted that the petitioner, as plaintiff, had instituted Title Suit No. 296 of 2017 on the basis of an agreement for sale dated 20.11.2009 in respect of a residential property bearing House No. 238, situated over 260 square meters of land at Bihar State Awas Board, Lohiya Nagar, P.S. Kankarbagh, District Patna. It was also stated that Chandranath Thakur (opposite party no. 1), one of the legal heirs of Bachaspati Thakur, executed another agreement for sale dated 14.12.2009 in favour of the petitioner. Pursuant thereto, the petitioner allegedly paid

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substantial consideration, exceeding Rs. 49,00,000, through bank drafts, cash, and cheques, including an initial payment of Rs. 5,00,000 and subsequent payments made between 30.04.2010 and 24.08.2011.

5. According to the petitioner, Chandranath Thakur repeatedly assured execution and registration of the sale deed and acknowledged the petitioner's readiness and willingness to perform his part of the contract. Relevant property documents, affidavits of other legal heirs, and applications relating to mutation and calculation of Labhansh were also handed over, indicating settlement of disputes. Despite joint efforts before the competent Board authorities, the sale deed was not executed. Consequently, the petitioner issued a legal notice and filed the suit. Upon learning that the property might be transferred to a third party, the petitioner filed an application under Order XXXIX Rules 1 and 2 CPC on 03.08.2017, which was allowed on 16.01.2021.
6. It was further submitted that upon gaining knowledge of the appeal, the petitioner appeared on 09.03.2026 and sought supply of the memo of appeal to enable filing of objections. However, despite such request, the appellants allegedly failed to provide the same, and the trial court did not record any direction in this regard. It was contended that the court thereafter directed the petitioner to argue the matter on the next date, failing which appropriate orders would be passed. The petitioner alleged that the trial court was acting in disregard of procedural law, exhibiting bias, and proceeding in a manner convenient to the opposite party, thereby giving rise to a reasonable apprehension of denial of justice. On these grounds, transfer of the appeal was sought.

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7. *Per contra*, learned counsel for opposite party no. 1 submitted that the transfer application is wholly misconceived, devoid of merit, and filed on false and frivolous grounds with an ulterior motive to delay the proceedings. It was contended that the allegations made against the Presiding Officer are baseless and motivated by apprehension of an adverse order on merits. It was further argued that transfer of a case is a serious matter as it indirectly casts aspersions on the concerned judicial officer, and such power must be exercised sparingly and only upon sufficient and cogent grounds. Mere apprehensions or unfounded allegations cannot justify transfer.
8. Upon perusal of the record and the report received from the Court of District Judge-XIV, Patna, it appears that the Miscellaneous Appeal, instituted in 2021, initially proceeded *ex parte* against the petitioner (Respondent No. 1). However, upon his appearance, the matter was deferred and adequate opportunity was granted to file a reply. Although the petitioner sought time on the ground of non-receipt of the memo of appeal, the same was furnished on 17.04.2026, and he was directed to file his reply within 15 days. The reply was eventually filed on 12.05.2026. Thereafter, the matter was listed for hearing, but on 21.05.2026, the petitioner informed the court about filing of the present transfer application, resulting in adjournment.
9. The report further indicates that the petitioner levelled unfounded and unsubstantiated allegations against the trial court, apparently with the intent to malign its reputation. There is no material on record to suggest

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any bias on the part of the Court of District Judge-XIV, Patna, or that it has acted in favour of the opposite party. On the contrary, it appears that the petitioner himself has contributed to the delay in disposal of the appeal.

10. The Hon'ble Supreme Court in **M/s. Chetak Construction Ltd Vs. Om Prakash & Others, AIR 1998 SC 1855** has held:

"Indeed, no lawyer or litigant can be permitted to brow beat the court or malign the presiding officers with a view to get a favourable order. Judges shall not be able to perform their duties freely and fairly if such activities of justice would become a casualty and Rule of Law would receive a set back. The Judges are obliged to decide cases impartially and without any fear or favour. Lawyers and litigants cannot, be allowed to "terrorize" or "intimidate" judges with a view to "secure" orders which they want. This is basic and fundamental and no civilised system of administration of justice can permit it. We certainly, cannot approve of any attempt on the part of any litigant to go "forum shopping". A litigant cannot be permitted 'choice' of the 'forum' and every attempt at "forum shopping" must be crushed with a heavy hand. At the same time, it is of utmost importance to remember that Judges must act as impartial referees and decide cases objectively, uninfluenced by any personal bias or prejudice. A Judge should not allow his judicial position to be compromised at any cost. This is essential for maintaining the integrity of the institution and public confidence in it. The credibility of this institution rests on the fairness and impartiality of the Judges at all levels. It is the principle of highest importance, for the proper administration of justice, that judicial powers must be exercised impartially and within the bounds of law. Public confidence in the judiciary rests on legitimacy of judicial process. Sources of legitimacy are in the impersonal application by the Judge of recognized objective principles which owe their existence to a system as distinguished from subjective moods, predilections, emotions and prejudices. Judges must always ensure that they do not allow the credibility of the institution to be eroded. We must always remember that justice must not only be done

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but it must also be seen to be done.”

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11. In view of the foregoing, the submissions advanced on behalf of the petitioner are found to be without merit. Accordingly, the Miscellaneous (Transfer) Application is **dismissed**.
12. Let a copy of this order be transmitted to the Administrative Office of the undersigned as well as to the concerned trial court.

(Dictated)

**Sd/-
(Rupesh Deo)
Principal District Judge,
Patna.**

Date of Order	13.07.2026
Date of Reserving Order	02.07.2026
Uploading Date	13.07.2026
Uploaded by	Balmukund/-