

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, PATNA

MISC. (TRANSFER) CASE No.45 OF 2026

Manorma Sahu

Petitioner

Vs.

Rama Nath Saha & Ors.

Opposite Parties

**Order
No.**

Date

O R D E R

06 07-07-2026

1. This Miscellaneous (Transfer) Application has been filed under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of Eviction Suit No. 15 of 2001 from the Court of the Civil Judge (Senior Division)-VIII, Patna to any other competent Court of Civil Judge (Senior Division) at Patna.
2. Heard Sri Ashok Nandan Prasad, learned counsel for the petitioner.
3. Learned counsel submits that the eviction suit, instituted by the deceased Ram Chandra Raman on the ground of personal necessity, has remained pending for nearly twenty-five years, primarily due to repeated frivolous petitions filed by the defendant. It is contended that despite submission of suggested issues on 14.09.2017 and filing of an application under Section 15 of the Bihar Buildings (Lease, Rent and Eviction) Control Act on 20.02.2003, the learned trial court has neither framed issues nor adjudicated the said application.
4. It is further submitted that following the death of the original plaintiff, his wife, Smt. Manorma Sahu, and adopted son were substituted by order dated 11.11.2022. The said order was challenged before the Hon'ble High Court, which remanded the matter on 07.10.2025 with a direction to the trial court to decide the issue within one month from the date of receipt/production of the order. Despite submission of the certified copy of the Hon'ble High Court's order on 20.11.2025, the trial court failed to

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comply with the said direction.

5. It has also been contended that although the trial court, by order dated 06.06.2025, directed that the eviction suit be listed on a weekly basis, in practice, dates have been fixed at intervals of approximately one month, resulting in further delay. The petitioner submits that the prolonged pendency of the eviction suit, which is based on personal necessity, has caused serious prejudice and hardship. It is further alleged that the trial court is conducting proceedings in a manner that favours the convenience of the opposite party, thereby giving rise to a reasonable apprehension of denial of justice. On these grounds, transfer of the suit has been sought.
6. Perused the record.
7. Upon consideration of the submissions advanced and the materials available on record, this Court finds that the eviction suit has remained pending for an inordinately long period. The materials prima facie indicate that, despite specific directions of the Hon'ble High Court for expeditious disposal of the remanded issue, the trial court has failed to proceed with due promptitude, having regard to the nature of the litigation. The circumstances narrated by the petitioner are sufficient to give rise to a reasonable apprehension of delay in effective adjudication.
8. It is well settled that no litigant has a vested right to have a case tried by a particular court. Therefore, no prejudice would be caused to the opposite party if the present application is allowed even in their absence. In the facts and circumstances of the case, this Court is of the view that the ends of justice would be best served by transferring the matter to another competent court to ensure its expeditious disposal.

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9. Accordingly, the record of Eviction Suit No. 15 of 2001, presently pending before the Court of Civil Judge (Senior Division)-VIII, Patna, is hereby withdrawn and transferred to the Court of Civil Judge (Senior Division)-VII, Patna. Considering that the suit pertains to the year 2001, the transferee court is directed to proceed with the matter expeditiously and in accordance with law.
10. This Miscellaneous (Transfer) Application is, accordingly, **allowed**. Let copies of this order be transmitted to the Administrative Office of the undersigned as well as to the concerned courts for information and necessary action.

(Dictated)

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

Date of Order	07.07.2026
Date of Reserving Order	02.07.2026
Uploading Date	13.07.2026
Uploaded by	Balmukund/-