

T. P. (Civil) No. 47/2026, IA No. 1/2026
Anil Kumar vs Krishan Kumar & Ors.

01.06.2026

Present: Sh. Kanishk Rana and Ms. Nisha Bhardwaj, Ld.
Counsels for petitioner.
Sh. Abhishek Kumar and Sh. Sumit Kashyap, Ld.
Counsels for respondent no.1 along with respondent
no.1 in person.
Sh. Gurjit Singh, Ld. Counsel for respondent no.3

Vakalatnama filed on behalf of respondent no.3. Be
taken on record.

Brief synopsis filed on behalf of respondent no.1. Be
taken on record.

There is an application on behalf of respondent
seeking early listing and hearing of the matter on which notice
has been issued for today. The petitioner has preferred transfer
petition which was fixed for 01.07.2026 but on the application
for early hearing, notice has been issued for today.

Since both the sides are ready and willing to argue
the matter today, matter is taken up today for final disposal.

On behalf of petitioner, present petition is moved
seeking transfer of civil suit bearing no. CS DJ 618788/2016
presently pending before the court of Sh. Naresh Kumar Laka,

Ld. District Judge-07, Central. According to the petitioner, he is defendant no.3 in the suit and during the course of proceedings, he has got reasonable apprehension of bias on the part of court concerned.

The main grievance raised by the petitioner has been that on 13.04.2026 while presiding officer was on leave, the matter was adjourned to 28.05.2026 in the presence of the counsels for both the sides. The said order was also uploaded on the website but subsequently when the petitioner checked the case status of the civil suit, he found that next date has been fixed as 28.04.2026.

According to the petitioner, the date has been changed subsequently at his back and without any information and notice to him. The matter is listed for final arguments and petitioner has reasonable apprehension that he may not get justice from the court concerned.

An issue has also been raised by the petitioner that court has been proceeding in the manner that case is being dealt with in phases property wise, even though the pleadings and evidence are common and joint. At earlier stage also, upon oral mentioning on 06.02.2026, the file was taken up and the date was changed to 09.03.2026 and 17.03.2026 without informing the petitioner.

On behalf of respondent, Ld. Counsel submitted the brief synopsis with respect to the proceedings of the case and further contended that petitioner (defendant no.3 before the trial court) seeks to delay the matter and therefore has filed the present transfer petition. On 13.04.2026, the date was fixed in the presence of the counsel of the parties for 28.04.2026 but it was inadvertently written as 28.05.2026 by the staff of the court and later on same was corrected. It was well within the knowledge of the petitioner that matter was fixed before the court on 28.04.2026 on which date the petitioner deliberately did not appear before the court and instead filed the present transfer petition. Matter is at the stage of final arguments and matter is about more than 20 years old. The petitioner in order to delay the proceedings has filed the present transfer petition.

The comments of Ld. Presiding Officer have also been received wherein allegations about biasness and arbitrariness are denied. A preliminary decree for one property (out of three properties) has already been passed although same was challenged in the High Court. According to Presiding Officer, matter is 20 years old and needs to be expedited. On 13.04.2026, the court was on leave and order-sheet was written and uploaded by Ahlmad. The error is stated to be clerical in nature. The Presiding Officer also asserted that the next date of hearing i.e. 28.04.2026 was in the knowledge of petitioner and even Counsel Ms. Nisha Bhardwaj appeared on behalf of

petitioner / defendant no.3. The application is stated to be completely baseless.

The power to transfer, withdraw or assignment of the matters is discretionary but discretion must be exercised judiciously and on well founded reasons. When a matter is transferred from one court to another, on the basis of apprehension of bias, it has larger repercussions.

After taking into consideration the above mentioned facts and events of the case, I find no justification to transfer the matter and there is no reason to attribute any bias to the Presiding officer. On 13.04.2026 the Presiding Officer was on leave and the next date was fixed by the staff. It might be possible that due to clerical error or inadvertently, the date i.e. 28.05.2026 was mentioned. Even otherwise, no adverse order was passed by the court against the petitioner on 28.04.2026.

Accordingly, present transfer petition is dismissed having no merit or substance.

The date earlier given i.e. 01.07.2026 stands cancelled.

File be consigned to the record room.

(Anju Bajaj Chandna)
Principal District & Sessions Judge (Central)
Delhi/01.06.2026