

**In the Court of Sh. Ashwani Kumar Sarpal, Principal  
District & Sessions Judge, East District, Karkardooma  
Court, Delhi.**

[T.P. (Crl.) no. 19/2026]

Mohd. Usman vs. Seema Parveen

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18.03.2026.

**ORDER:-**

- 1) I have heard counsel for both the parties and gone through the trial court record also. Through this transfer application petitioner/husband Mohd. Usman by levelling certain allegations of bias and misconduct against the Id. Presiding Officer Ms. Sonam Singh-II, JMFC, Mahila Court-01 requested that his D.V. Act case no. 3640/2016 and two executions bearing no. 107/2021 and 145/2022 be transferred from the said court to some another court.
- 2) Record shows that respondent/wife filed D.V. Act case against petitioner/husband and others on 21-9-2013. Only petitioner contested the same and other respondents either become exparte or deleted from the said case. Vide order dated 15-1-2016, Trial Court directed the petitioner/husband to pay maintenance of Rs. 6,000/- per month to respondent/wife and her two children with effect from the date of filing of petition and Rs. 1,000/- towards rent from date of order. Petitioner/husband challenged that order in

higher court but could not succeed.

- 3) Trial Court record also points out that petitioner/husband is not making regular payments to the respondent/wife and even as on date two execution petitions are pending. Ld. Trial Court was compelled to issue warrants of arrest and to send the petitioner/husband to civil imprisonment several times for non payment. Petitioner/husband has also violated his assurances and undertakings given for which ld. Trial Court took adverse actions against him and also imposed costs but he has not mended his ways. Respondent/wife had informed to this court that approximately Rs. 6,70,000/- are still outstanding against the petitioner/husband as on date. Giving of written warnings to him in some of the ordersheets of the court to take coercive actions against him by issuing warrants and to send him to jail on account of failure of making payment of maintenance amount to respondent/wife and her two children is a justified act on the part of ld. Presiding Officer, so that he should be cautious and know the consequences of non compliance of court directions. Such warnings given in the ordersheets does not amount to biased attitude of the court. When a litigant has no respect for the court orders, then he does not deserve any leniency. Unless the order is set aside or modified, the litigant has left with no other option except to comply with the same.
- 4) In the main matter, respondent/wife completed her evidence and she was not completely cross examined and

the court closed petitioner/husband's right of further cross examination. Vide order dated 2-9-2025, due to non compliance of court directions, even right of petitioner/husband to lead his evidence was also closed and matter reached at final arguments stage. Court even heard final arguments on 3-11-2025 and fixed the matter for final judgment also for 24-11-2025 but in between, petitioner/husband got more opportunity subject to costs from higher court.

- 5) The present matter is one of the oldest matters before Id. Trial Court (falling in list of oldest 20 cases), so if Id. Presiding Officer is giving short dates and is showing inclination for its early disposal, then that cannot be held as biased attitude or favoring the respondent/wife. Even when Hon'ble Supreme Court has given directions for disposal of execution petitions within the period of 6 months, then taking of coercive action against the petitioner/husband is correct who is not paying the amount as assessed by the court towards maintenance to wife and children.
  
- 6) Petitioner/husband in this transfer application showed grievances against various court orders on the ground that those were passed in illegal and biased manner and unnecessary costs were imposed upon him from time to time besides issuing arrest warrants, rejecting objections against executions, dismissing review and clarification applications and rejecting the exemption applications etc.

However, it is not a way to challenge the legality and validity of those judicial orders through this transfer application. He has a right to question those orders in higher court in appeal but blaming Id. Presiding Officer in this regard is not permissible. Petitioner/husband has only two options, either to comply with the court orders or to challenge the same in higher court. Record shows that he neither is challenging most of the detailed orders passed from time to time by Id. Trial Court in an appeal nor is obeying directions. Id. Presiding Officer cannot be found faulted with, if she is taking harsh action against the petitioner/husband for violating court directions. Imposing costs, issuing arrest warrants and rejecting the exemption applications moved by the petitioner/husband apparently in order to avoid the court directions, was a right course of action on the part of Id. Presiding Officer in absence of any appeal filed. Petitioner/husband cannot be allowed to leave his wife and two children to starve and suffer as it is his responsibility to maintain them. The allegation levelled by him that Id. Presiding Officer is favoring the respondent/wife under some pressure as her counsel was once ex-member of the bar association is totally baseless ground. Thus, no question of transfer of case is made out to any other court.

- 7) One order dated 31-1-2026 passed in execution no. 107/2021 is specifically referred by counsel for petitioner/husband by which he moved an application for giving directions to respondent/wife to vacate one portion

of the property (jhuggi) situated in East Vinod Nagar, so that he could sell the same and arrange funds to clear outstanding dues of arrears but that application was rejected on the ground that this property did not belong to petitioner but belongs to his father and respondent/wife is residing in the same. Even no document of this property was filed in court and petitioner/husband wanted to sell the same without any legal manner through power of attorney which is barred under law. This order could be assailed in higher court but he is opting to challenge the same through this transfer application which is not a proper way.

- 8)** After taking into consideration the averments made in the transfer application and record of the Trial Court, I am of the view that Id. Presiding Officer is passing detailed orders from time to time without any bias and allegations of favoring respondent/wife unnecessarily is without any substance. Infact, the petitioner/respondent is suffering with harsh orders due to his own fault, negligence and inaction and for violating court orders and ignoring his own assurances given. Id. Presiding Officer becomes very good and reasonable, if an order is passed in favour of particular litigant but blame game starts when adverse orders are passed. Such type of tendency undermines the judicial process which cannot be permitted. Further more, questioning the legality and validity of judicial orders through transfer application instead of challenging the same in higher court in appeal is not permissible. Grounds of transfer from para 'A to I' as taken from page no. 22 to

27 of the transfer application are infact related to the merits of various judicial orders passed from time to time which could be challenged in the higher court but cannot become base for transfer of the case. The averment made in the application that Id. Presiding Officer is passing partial orders as counsel for respondent/wife was one time an ex-member of bar association is only an imaginary thing as contents of the orders shows that those on the face of record were correct but still if petitioner/husband is not satisfied with the same being alleged wrong orders, ambiguous or due to any procedural lapse, then he could challenge it in higher court but no such steps are being taken. If any incident of alleged manhandling of counsel for the petitioner/husband has taken place in the hands of associate counsel of respondent/wife, then he has a separate remedy in this regard. The allegations levelled against Id. Presiding Officer that she had passed taunting comments and veiled comments on the advocates vide order dated 31-1-2026 with double meaning sentences are vague and cannot be relied upon as nothing such sort of things is appearing from the ordersheet of the court which attaches presumption of correctness.

- 9) One ordersheet dated 2-9-2025 passed in main case reveals that both counsel for the petitioner/husband raised voice, used inappropriate words of 'butchering house and extortion business' against the Id. Presiding Officer and even challenged her to initiate contempt proceedings for which Id. Presiding Officer warned them to be mindful of

their words and maintain decorum of the court. Now, in this transfer application, petitioner/husband is trying to show that nothing such type of incident had happened and Id. Presiding Officer herself added these words in the ordersheet. Admittedly, the dasti copy of this order was received by petitioner/husband from the court on 3-9-2025 but neither he nor his counsels moved any application immediately before the court concerned for correction of such ordersheet on the ground that some wrong facts have been incorporated in it. It is hereby informed to the petitioner/husband that a judicial order which records what transpired in the presence of the court should be taken to be correct as such judicial order attaches presumption of correctness as well as have sanctity. In case, a party thinks that something has been wrongly recorded in the order sheet, then it is incumbent upon him to move the said court at the earliest, when the matter is still fresh in the mind of the judge and point out regarding the said error in the order sheet. It is only way to correct the alleged error, failing which the matter comes to an end and the order passed by the court becomes unquestionable. If no such steps have been taken by the party, then it cannot be allowed to contradict the order sheet lateron by giving statement at the Bar or by filing any affidavit, making submissions or by any other evidence. In that situation the proceedings recorded in the court orders are to be treated as conclusive of the facts, so stated in the order sheet and no one can contradict such fact lateron. In this regard the reliance can be placed upon the decision of the Supreme Court in case

**State of Maharashtra vs. Ramdas Srinivas (1982) 2 SCC 466.** Hence, keeping in view the fact that petitioner/husband now raising the dispute about the incident taken place on 2-9-2025 after so many months itself first time in para no. 11 of this transfer application is a ground to hold that he is now telling lie and trying to create a false ground for transfer of the case which cannot be believed.

- 10) In view of the above, transfer application is hereby dismissed. The order passed by this court on 07.03.2026 giving directions to ld. Trial Court not to examine more than three witnesses for the time being is recalled and revoked. Ld. Trial Court can proceed with the main case and executions expeditiously as per law and as per its convenience and court diary. Trial court record of main case and both executions called be returned with copy of this order as executions are fixed for tomorrow. Parties to appear before the ld. Trial Court tomorrow at 10 a.m. This transfer application file be consigned to record room.

(Ashwani Kumar Sarpal)  
Principal District & Sessions Judge  
East District, KKD Delhi/18.03.2026.