

T. P. Civil 5/26

HAMID KHAN Vs. MEHMOOD SHAH

10.04.2026

Present: Sh. AK Kashyap, Ld. Counsel for applicant with
applicant.
Sh. S.A Khan, Ld. Counsel for non-applicant.

TCR received and perused.

Present transfer application has been filed on the ground that the plaintiff/applicant apprehends prejudice on part of the Ld. Trial Court in the conduct of the trial of his suit. To substantiate the grievance, Ld. Counsel has firstly submitted that he had filed an application before the Ld. Trial Court for examining a handwriting expert but the said application was dismissed on the ground that the suit was one of the oldest matter on the board of the Ld. Trial court. Since, the applicant/ plaintiff has already approached the Hon'ble High Court of Delhi against the order of dismissal of the said application and the said matter is listed on 29.05.2026 before Hon'ble High Court of Delhi, no comments are required by this court.

The second point raised was that in one of the application filed by the defendant for summoning the witnesses dated 04.09.25, list of witnesses was not filed with it and the supporting affidavit was also not filed by the defendant but by the Ld. Counsel for the defendant. In the opinion of this court, it is only an irregularity which could have been corrected by the Ld. Trial court on being pointed out and list of witnesses as well as the supporting affidavit of the concerned defendant could have been called.

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Lastly, it has been pointed out that during the cross examination of DW1, the Ld. Counsel for plaintiff objected to the exhibition of certain documents which objection has been recorded by the Ld. Trial Court. The rule says that all such objections have to be decided by the court at the time of final adjudication including that of the admissibility of the document or the admissibility of the evidence.

In my opinion, the Ld. Trial Court has not conducted in any manner, prejudicial to the plaintiff nor the applicant has been able to show any cause or ground for transfer of the suit. Application is accordingly dismissed.

TCR alongwith a copy of this order be sent to the Ld. Trial Court. The parties are directed to appear there on 15.04.2026 as fixed.

Transfer application be consigned to Record Room.

(SANJAY SHARMA-I)
Principal District & Sessions Judge,
North-East District, KKD, Delhi/10.04.2026