IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE
WEST DISTRICT : TIS HAZARI COURTS : DELHI

T.P. Crl No. 04/2026
CNR No. DLWT01-000965-2026

Mohinder Kumar Verma (deceased through LRs)

Ms. Sulexna Verma
LR / D/o Late Mohinder Kumar Verma
R/o B-2/80, 1st Floor, Sector-16,
Rohini, Delhi-110085 ...Applicant/Petitioner

Versus

1. Shri Rajesh Verma
S/o Late Shri Amar Singh
R/o H. No. 121, Near Bhero Mandir,
Vill. & P.O. Mundka, New Delhi-110041.

2. Smt. Saroj Devi
W/o Shri Raghuvir Singh
D/o Late Sh. Amar Singh
R/o P-4/1024, Sultanpuri Delhi.

3. Smt. Urmila Verma @ Vidya Verma
W/o Late Sh. N.C. Verma
R/o 34, Swami Para, Budhana Gate,
Meerut City, Meerut, Uttar Pradesh.

4. SMT. NENA VERMA
W/o Sh. R.K. Verma
R/o E-19, IARI Campus (PUSA),
New Delhi-110012.

5. SH. HARISH CHANDER VERMA
S/o Late Sh. Rama Nand
R/O 2427/182, Near Tota Ram Bazar,

Tri Nagar, New Delhi. ….Respondents

Date of filing transfer petition	:	20.01.2026
Date of hearing arguments	:	30.05.2026
Date of order	:	03.06.2026

ORDER

1. This Transfer Petition has been filed by the petitioner under Section 24 read with Section 151 of the Code of Civil Procedure (for brevity 'CPC') for transfer of the suit bearing Civ. DJ No. 611391/16 titled as Mohinder Kumar Verma v. Rajesh Verma & Anr., which is pending adjudication before the Court of Ld. District Judge-10, West, Tis Hazari Court, Delhi (hereinafter referred to as the trial court), to another court on the ground of bias, restoration of the right of the petitioner to lead evidence and waiver / reduction of cost.

2. During the course of proceedings, the petitioner has filed an application under Order 6 Rule 17 CPC seeking amendment in the plaint. It is submitted that on 18.10.2025, the petitioner's evidence was closed and on 01.12.2025, the costs of Rs. 10,000/- was imposed upon the petitioner by the Ld. trial court. However, the said facts are left to be incorporated in the petition, which is necessary for the proper and effective adjudication and hence, prayer is made for amendment in the plaint. Per contra, Ld. Counsels for the respondents have opposed the aforesaid

application. Keeping in view the facts and circumstances as mentioned in the application, the same is allowed and the aforesaid facts are allowed to be incorporated in the petition.

3. The brief facts of the transfer petition are that the petitioner has filed the civil suit bearing Civ DJ No. 611391/16 in the year 2012, and the same is pending before the trial court and is presently listed for respondents' evidence. The respondent no. 5 has filed an application under Order 7 Rule 11 CPC on 24.10.2016 and the same has been dismissed on 24.04.2018. Respondent no. 5 further filed an application under Order 12 Rule 6 CPC on 24.04.2018 and the same has been withdrawn on 28.01.2020. Thereafter, on account of COVID-19 situation, the present matter was adjourned for further proceedings during the interregnum.

3.1 On 20.02.2021, an application under Order 22 Rule 3 CPC was moved for impleadment of LRs of Mohinder Kumar Verma (plaintiff) which was allowed on 04.10.2021. On 09.01.2024, an application under Order 22 Rule 4 of CPC was moved for impleadment of LRs of the defendant No.1 which was allowed on 16.02.2024. An application under Order 7 Rule 11 CPC was filed by the respondent no. 5 which was dismissed on 13.05.2025. The evidence of the petitioner was closed on 18.10.2025. The Ld. trial court granted one opportunity to the petitioner to lead evidence

subject to costs of Rs. 10,000/- vide order dated 01.12.2025. Thereafter, the petitioner moved an application under Section 151 CPC seeking waiver of cost, however, the said application was dismissed.

3.2 The petitioner submits that the non-compliance of the orders for initiation of petitioner's evidence was neither willful nor deliberate, but occurred due to circumstances beyond her control for the following reasons : (i) the previous counsel of the petitioner failed to act diligently, repeatedly sought adjournments, and did not initiate evidence of the petitioner despite instructions; (ii) the petitioner is a single lady with no independent source of income and is financially incapable of paying a heavy cost of Rs. 10,000/-; (iii) due to her poor financial condition, the petitioner is not in a position to engage a senior or costly counsel and is dependent upon limited legal assistance and (iv) the petitioner has a bonafide and arguable case on merits and closure of her evidence cause grave and irreparable loss. In support of her contentions, the petitioner has relied upon the judgments i.e. *Rafiq & Anr. v. Munshilal & Anr*., (1981) 2 SCC 788; *Sangram Singh v. Election Tribuna*l, AIR 1955 SC 425; *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344; *Kailash v. Nanhku & Ors*., (2005) 4 SCC 480; *Manohar Lal Chopra v. Seth Hiralal*, AIR 1962 SC 527 and *Satish Kumar v. Rakesh Kumar*, 2019 SCC OnLine Del 7574.

3.3 Being aggrieved by the refusal to waive cost and the closure of her evidence, the petitioner has approached the Hon'ble High Court of Delhi, where the matter is pending and the notices have already been issued to the respondents. The matter was listed on 15.01.2026 and is now pending for further hearing on 09.07.2026. The petitioner has a reasonable apprehension that she may not receive a fair opportunity to prosecute her case before the present trial court, despite her bonafide conduct and serious prejudice caused to her. Hence, prayer is made for the above-said suit to the court of another competent District Court, or alternatively, directions be issued for restoration of the evidence of the petitioner with waiver or reduction of cost.

4. Reply to the present transfer petition has been filed on behalf of the respondent no. 5. It is contended by the respondent no. 5 that the allegations of bias and partiality against the Ld. trial court are wholly unfounded. The record shows that despite repeated "last and final opportunities" granted on 13.05.2025, 24.07.2025, and 22.08.2025, the legal representatives of the petitioner neither filed evidence affidavits nor produced witnesses. Consequently, the petitioner's evidence was closed on 18.10.2025. Even thereafter, upon an application under Section 151 CPC, the Ld. trial court granted another opportunity on 01.12.2025 to lead evidence subject to costs of Rs. 10,000/-. However, on the next date of hearing i.e

18.12.2025, neither counsel appeared nor were the necessary affidavits filed. Accordingly, the evidence was finally closed. The matter has remained at the stage of plaintiff's evidence since 12.11.2013, and no effective steps were taken to conclude the same. The record clearly demonstrates that the Ld. trial court acted fairly and granted sufficient opportunities before closing the evidence. The alternative prayer seeking waiver or reduction of costs imposed vide order dated 18.10.2025 is misconceived, as no costs were imposed by the said order. The cost of Rs. 10,000/- was imposed vide order dated 01.12.2025 while granting a further opportunity to lead evidence. Moreover, once such opportunity was granted, the grievance regarding closure of evidence on 18.10.2025 became academic and infructuous. Consequently, the present application deserves dismissal.

5. No reply was filed by the other respondents.

6. Rejoinder has been filed by the petitioner to the reply filed by the respondent no. 5, in which she has reiterated the facts mentioned in petition.

7. Arguments were addressed by the Ld. Counsels for the parties.

8. In terms of the judgment of the Hon'ble High Court of Delhi in ***Directorate of Enforcement*** **v.** ***Ajay S. Mittal*** MANU/DE/3646/2024, the comments of the Ld. ASJ-09, were called in a sealed cover, which have been perused by me.

9. Transfer has been sought on the ground of bias. In ***Bhajan Lal*** **v.** ***Jindal Strips Ltd. and Ors***. MANU/SC/0836/1994, the Hon'ble Supreme Court on the issue of bias, observed:

> *"23. Bias is the second limb of natural justice. Prima facie no one should be a judge in what is to be regarded as 'Sua Causa', whether or not he is named as a party. The decision-maker should have no interest by way of gain or detriment in the outcome of a proceeding. Interest may take many forms. It may be direct, it may be indirect, it may arise from a personal relationship or from a relationship with the subject-matter, from a close relationship or from a tenuous one."*

10. The power of transfer is hedged with the requirement of extreme caution as transfer *per se* would cast some doubt on the competence and reputation of the concerned Judge. Thus, transfer can't be allowed as a matter of course. In ***Aditi Bakht*** **v.** ***Abhishek Ahuja*** MANU/DE/2070/2022, the Hon'ble High Court of Delhi has observed:

> *"9…… This court is conscious of the fact that the transfer of a case from one court to another is a pretty serious matter as it may cast indirectly doubt on the integrity or competency of the judge from whom the matter is transferred. The order of transfer should not be done on mere presumption and possible apprehensions."*

11. On the issue of transfer of cases, on the ground of bias attributed to a Judge, the Hon'ble Supreme Court in ***R. Balakrishna Pillai*** **v.** ***State of Kerala*** (2000) 7 SCC 129, observed as under:

> *"10. Further, the contention raised by the learned Counsel for the petitioner that one of the Judge of the Bench was appointed and has worked as an Advocate to assist Justice K. Sukumaran Commission to inquire into mal practices in the execution of the rectification work in Hydro Electric Project called Edamalayar Project and, therefore, the petitioner is not likely to get justice if the appeal is decided by the said Bench, deserves to be rejected. It is true that one of the principles of the administration of justice is that justice should not only be done but it should be seen to have been done. However, a mere allegation that there is apprehension that justice will not be done in a given case is not sufficient. Before transferring the case, the Court has to find out whether the apprehension appears to be reasonable. To judge the reasonableness of the apprehension, the state of the mind of the person who entertains the apprehension is no doubt relevant but that is not all. The apprehension must appear to the Court to be a reasonable, genuine and justifiable. In the present day scenario, if these types of applications are entertained, the entire judicial atmosphere would be polluted with such frivolous petitions for various reasons. Dealing with the transfer petition, this Court in Maneka Sanjay Gandhi v. Rani Jethmalani observed:*
>
> *"2. Assurance of a fair trial is the first imperative of the dispensation of justice and the central criterion for the court to consider when a motion for transfer is made is not the hypersensitivity or relative convenience of a party or easy availability of legal services or like mini-grievances. Something more substantial, more compelling, more imperilling, from the point of view of public justice and its attendant environment, is necessitous if the Court is to exercise its power of transfer. This is the cardinal principle although the circumstances may be myriad and vary from case to case. We have to test the petitioner's grounds on this touch-stone bearing in mind the rule that normally the complainant has the right to choose any court having jurisdiction and the accused cannot dictate where the case*

against him should be tried. Even so, the process of justice should not harass the parties and from that angle the court may weigh the circumstances."

12. In ***Harita Sunil Parab* v. *State of NCT of Delhi and Others***, MANU/SC/0305/2018, the Hon'ble Supreme Court while dealing with the issue of transfer of a case on the ground of bias, observed:

"8. The apprehension of not getting a fair and impartial enquiry or trial is required to be reasonable and not imaginary, based upon conjectures and surmises. No universal or hard and fast rule can be prescribed for deciding a transfer petition which will always have to be decided on the facts of each case.……"

13. A perusal of the ordersheets filed with the transfer petition shows that on 18.10.2025, the right of the petitioner to adduce PE was closed and the matter was fixed for DE for 01.12.2025**;** on 01.12.2025, an application under Section 151 CPC was filed by the petitioner for setting aside the order dated 18.10.2025 closing the evidence of the petitioner and the said application was allowed subject to costs of Rs. 10,000/- and last and final opportunity was granted to the petitioner to make the payment of cost and to adduce her evidence. Thereafter, on 18.12.2025, the application filed by the petitioner for waiver of costs of Rs. 10,000/- was dismissed. An application under Section 151 CPC moved by the petitioner seeking adjournment was also dismissed vide the order dated 18.12.2025 and the right of the petitioner to adduce evidence was again closed. The main grudge of the petitioner is with regard to the order dated

18.12.2025 vide which her application for waiver of costs of Rs.10,000/- was dismissed and the PE was again closed and the said order has already been assailed by the petitioner before the Hon'ble High Court of Delhi.

14. It may be noted that the mandate of law laid down by the superior courts is to the effect that a mere allegation that there is any apprehension of bias against the presiding officer is not sufficient. Before transferring of any case, the court has to find out whether the apprehension appears to be reasonable, and, therefore, to judge the reasonableness of the apprehension, the state of the mind of the person is no doubt relevant but that is not all. The apprehension of bias must be reasonable, genuine and justifiable.

15. The onus is on the petitioner to prove the allegation of bias. She has to substantiate her apprehensions by showing to this Court that they are genuine. Applying the principles as set out above to the facts of the present case, after perusal of the ordersheets, one finds that the petitioner has not succeeded in substantiating the allegations of bias. In as much as, the allegation of bias is neither reasonable nor justifiable. The judgments cited by the petitioner do not assist the case of the petitioner. There is nothing convincing produced before this Court to show bias. In case an adverse order was passed against the petitioner, the petitioner is at liberty to approach and challenge the order on the judicial side, at the

appropriate stage.

16. In the light of my above observations, I find no merit in the transfer petition. Accordingly, the transfer petition under Section 24 of the CPC is dismissed. Copy of this order along with the TCR be sent to the Ld. trial court. File be consigned to the Record Room.

Announced in the open Court on 03rd day of June, 2026.

VIJAY KUMAR DAHIYA
Digitally signed by VIJAY KUMAR DAHIYA
Date: 2026.06.03 16:07:56 +0530

(Dr. Vijay Kumar Dahiya)
Principal District & Sessions Judge (West)
Tis Hazari Courts: Delhi