

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

**T.P. Civil No. 102/2025  
CNR No. DLWT01-013369-2025**

**Narinder Pal Sharma**  
S/o. Late Sh. Mohan Lal  
R/o. RZ-35, Shadipur  
New Delhi-110008.

**....Petitioner**

**versus**

**1. Sh. Dinesh Kumar**  
S/o. Late Sh. Jinardhan

**2. Sh. Arun Kumar**  
S/o. Late Sh. Satish Kumar

**3. Sh. Sudesh Kumar**  
S/o. Late Sh. Prem Chand

Respondent Nos. 1 to 3 are  
R/o. House No. 2644, Main Bazaar  
Shadipur, New Delhi-110018.

**4. SDM (Patel Nagar)**  
Shivaji Palance, Near West Gate Mall  
Raja Garden, New Delhi.

**5. North Delhi Municipal Corporation**  
Through its Commissioner  
Civil Centre, New Delhi.

**6. Smt. Babita Giri**  
W/o. Sh. Sanjay Giri

R/o. C-49, Gali No. 14  
Prem Vihar, Ghasipura  
Nangli Dairy, Najafgarh  
South-West, Delhi-110043.

**7. Smt. Archana Dagar**

W/o. Sh. Ravinder Dagar  
R/o. D-33, Delhi Police Residential Complex  
N.S.I.T., Dwarka  
Cantonment South West Delhi-110078.

**8. Sh. Karan Mehta**

S/o. Sh. Vijay Kumar Mehta  
R/o. H. No. F-260, Gali No. 23  
Near Paliwal Dharamshala  
Laxmi Nagar, Shakarpur  
Delhi - 110092.

**....Respondents**

Date of filing transfer petition : 16.12.2025  
Date of hearing arguments : 12.03.2026  
Date of order : 17.03.2026

**ORDER**

1. This transfer petition has been filed by the petitioner under Section 24 of the Code of Civil Procedure for transfer of civil suit bearing CS SCJ No. 103/2024 titled as '*Narinder Pal Sharma v. Dinesh Kumar & Ors.*' which is a suit for declaration, mandatory and permanent injunction pending before the Court of Ld. JSCC/ASCJ/Guardian Judge-01, West, Tis Hazari Court, Delhi to another Court, on the ground of bias.

2. It is averred in the petition that the said matter was initially pending before the Court of Ld. SCJ-cum-RC, West, THC, Delhi and was listed for 17.12.2025 for completion of pleadings, however, in the meantime, the said case was transferred to the Court of Ld. JSCC/ASCJ/Guardian Judge-01, West, Tis Hazari Court, Delhi as per the order of this Court dated 14.11.2025. On 10.12.2025, the Ld. counsel for the petitioner inspected the judicial record and learnt that the matter was taken up by the Ld. JSCC/ASCJ/Guardian Judge-01 on 22.11.2025, in the absence of the plaintiff/petitioner while the Ld. counsel for the proposed defendants/respondents appeared before the Ld. JSCC/ASCJ/Guardian Judge-01 who heard the submissions of the said Ld. counsel and adjourned the matter for 17.12.2025, for arguments on the point of maintainability of the suit. The petitioner was shocked as on the very first date of hearing, in the absence of the Ld. counsel for the plaintiff/petitioner, the matter was taken up by the Ld. JSCC/ASCJ/Guardian Judge-01 and thereafter fixed for deciding the maintainability of the suit, which shows bias. It has accordingly been prayed that the above mentioned case be transferred to some other Court.

3. In the replies filed by the respondent Nos. 1 to 3 and respondent Nos. 6 to 8, it has been submitted that the allegations of bias are false. The case was transferred to the Court of Ld. JSCC/ASCJ/Guardian Judge-01 vide an administrative order.

4. None has appeared on behalf of respondent No. 5 despite service. Arguments were addressed by Sh. Neeraj Bharadwaj, Ld. counsel for the petitioner and Sh. Jatin Choudhary, Ld. counsel for the respondent Nos. 1 to 3 and Sh. Manish Kumar Sharma, Ld. proxy counsel for the respondent Nos. 6 to 8. No arguments were addressed on behalf of respondent No. 4.
  
5. 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. JSCC/ASCJ/Guardian Judge-01 were called in a sealed cover, which have been perused by me.
  
6. 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.”*
  
7. Section 24 of the CPC although gives the discretion to transfer a case, the same 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.”*

8. 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.”*

9. 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 law 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.....”*

10. A perusal of the ordersheets of the Ld. Trial Court shows that the matter was listed before the Ld. SCJ-cum-RC on 10.09.2025, on which date the matter was posted for completion of pleadings for 17.12.2025. The ordersheet dated 17.11.2025 shows that the file was taken up before the next date of hearing (i.e. 17.12.2025) by the Ld. SCJ-cum-RC, in view of the administrative order and accordingly, it was noted in the proceedings sheet that in terms of the administrative order, the

matter stands transferred to the Court of Ld. JSCC/ASCJ/Guardian Judge-01 for 22.11.2025 at 02.00 p.m. The parties vide the said order were directed to secure their respective presence / adequate representation before the Court of Ld. JSCC/ASCJ/Guardian Judge-01 on 22.11.2025 at 02.00 p.m. On 22.11.2025, before the Court of Ld. JSCC/ASCJ/Guardian Judge-01, none were present for the plaintiff/petitioner, however, the Ld. proxy counsel for the proposed defendants and the Ld. counsel for defendant No. 4 / SDM Patel Nagar were present. The matter was passed over for 02.00 p.m. At 02.00 p.m., still none appeared for the plaintiff/petitioner while the Ld. counsel for the proposed defendants appeared in the matter. The relevant part of the order sheet dated 22.11.2025 reads as under :

*“The present suit has been filed by the plaintiff seeking declaration directing the defendant no.4 to demarcate the land in khasra number as stated in prayer no.(a) and the plaintiff is also seeking permanent injunction restraining defendant no.1,2 and 3 from creating any third party interest in the suit property. And also plaintiff is seeking mandatory injunction restraining defendant no.4 and 5 to not transfer any document qua suit property. The plaintiff is also seeking mandatory injunction directing defendant no.1 to 3 to demolish illegal construction raised by them in the suit property. It is the case of the plaintiff that his grandfather was the owner and possession of suit property after whose death his son Sher Singh and Mohan Lal became owner and plaintiff is on the said owner of legal heir of Mohan Lal. The defendant no.1 to 3 are stated to be in possession of adjoining land in khasra no.3/132 who have started illegal construction in said khasra number and have encroached upon 60 yds of land of the plaintiff. The plaintiff alleged himself to be sole and exclusive of owner of property mentioned in the plaint and in the above stated prayer of the plaint. The defendant no. 1 to 3 have dispute the*

*maintainability of the suit stating that plaintiff is not the owner nor in possession of suit property. The undersigned is also of the view that present suit of the plaintiff appears to be devoid of cause of action and thus Ld. Counsel for plaintiff is directed to satisfy the court regarding maintainability of the present suit on NDOH”.*

**11.** The Trial Court record shows that the matter was fixed for 22.11.2025 directing both sides to be present in terms of the order of the Ld. SCJ-cum-RC dated 17.11.2025. On 22.11.2025, in view of the submissions made, the matter was put for arguments on the point of maintainability by the Ld. JSCC/ASCJ/Guardian Judge-01. The Ld. JSCC/ASCJ/Guardian Judge-01 vide the said order has given an opportunity to the plaintiff/petitioner to satisfy the Court regarding maintainability of the suit and no adverse order was passed behind the back of the plaintiff/petitioner. The suit is still at the stage of completion of pleadings and there is no bar on the Ld. JSCC/ASCJ/Guardian Judge-01 to look into the aspect of maintainability.

**12.** The onus is on the petitioner to prove the allegation of bias. He has to substantiate his apprehensions by showing to this Court that they are genuine. Applying the principles as set out above to the facts of the present case, one finds that the petitioner has not succeeded in substantiating the allegations of bias. The apprehensions of bias as raised with regard to the said proceedings appear to be baseless, as there is nothing convincing produced before this Court in the proceeding

sheets to show bias. In case an adverse order was passed against the petitioner, he is at liberty to approach and challenge the order on the judicial side, at the appropriate stage.

13. In the light of my above observations, I find no merit in the transfer petition. Accordingly, the petition under Section 24 of the CPC is dismissed. Copy of this order be sent to the Ld. JSCC/ASCJ/Guardian Judge-01 alongwith the Trial Court record. File be consigned to the Record Room.

**Announced in the open Court  
on 17<sup>th</sup> March, 2026**

**(DR. ADITI CHOUDHARY)  
Principal District & Sessions Judge (West)  
Tis Hazari Courts: Delhi**