

KABC010071162026



**IN THE COURT OF THE PRINCIPAL CITY CIVIL AND
SESSIONS JUDGE, AT BENGALURU**

Dated this the 9th day of April, 2026

PRESENT: Sri M. Chandrashekar Reddy,
B.A., LL.B.
Principal City Civil and Sessions Judge,
Bengaluru.

Misc. No. 331/2026

Petitioner : Sri J. Manojkumar,
S/o Late Jagadish Kumar,
Aged about 32 years,
R/at Gurudutt Nilaya,
23rd Cross, Jayanagar 6" Block,
Bangalore - 560 041.

[By Mr. Shivakumar, Advocate)

Vs.

Respondents :1. Smt. Padmavathi,
W/o Jagadish Kumar,
Aged about 55 years
2. Ms. Nithyashree,
D/o Jagadish Kumar,
Aged about 36 years,

Both are R/at No.21/1,
Nandavanam,
"C" street, Jogupalya,
Ulsoor, Bangalore - 560 008.

ORDER

The present petition is filed by the Petitioner under Section 24 of C.P.C. praying to transfer FDP No. 82/2020 pending on the file of CCH-2 to any other Court for its disposal in accordance with law.

2. Heard learned counsel for the Petitioner.

3. On the basis of the above narrated facts, following points arise for determination of Court.

1. Whether the Petitioner is entitled for the relief as prayed in the petition?

2. What Order ?

5. My findings on the above points are as under;

Point No.1 : In the Negative;

Point No.2 : As per final order,
for the following;

REASONS

6. **Point No.1:** The Petitioner has filed the present petition under Section 24 of C.P.C. praying to transfer FDP No. 82/2020 pending on the file of CCH-2 to any other Court for its disposal.

7. It is the case of the Petitioner that Respondent No.8 is the Petitioner in FDP No.82/2020 pending before CCH-2. The said final decree proceedings arise out of the preliminary decree passed in O.S. No.5633/2000, which was subsequently modified by the Hon'ble High Court of Karnataka in RFA No.916/2014. Pursuant to the judgment in RFA No.916/2014, the respective shares of the parties were determined. In FDP No.82/2020, a Court Commissioner was appointed to suggest partition of the suit schedule properties in accordance with the preliminary decree. Based on the Commissioner's report, the Trial Court passed a final decree allotting the entirety of Item No.1 of Schedule 'C' property in favour of Respondent Nos.1 and 2.

The Petitioner contends that he, along with his sister and aged aunt, was residing in Item No.1 of Schedule 'C' property and was in possession and enjoyment thereof. It is his grievance that, despite Respondent Nos.1 and 2 being entitled to a share of 1184.15 sq. ft. in Schedule 'B' property, the Trial Court allotted to them the entirety of Item No.1 of Schedule 'C' property, wherein their share was only 706.60

sq. ft., without considering the Petitioner's possession and enjoyment of the property. The Petitioner further contends that the Trial Court failed to take into consideration the principles governing partition and allotment of properties in the possession and enjoyment of parties and ignored the fact that his aunt, who was residing in the property, had bequeathed her share in his favour under a Will.

It is further alleged that the final decree and the subsequent execution proceedings in Ex. No.101/2025 resulted in the Petitioner being compelled to vacate the property in which he had been residing since childhood, causing him severe hardship and mental harassment. The Petitioner asserts that the conduct of the learned Judge, CCH-2, in passing the final decree and dealing with the execution proceedings has given rise to a reasonable apprehension that he may not receive a fair adjudication if FDP No.82/2020 continues before the same Court. On these grounds, he seeks transfer of the said proceedings to another competent Court.

8. The contentions urged by the Petitioner relate to the correctness, legality and propriety of the orders passed in the final decree proceedings. If the petitioner is aggrieved by the final decree or any consequential orders, the law provides appropriate remedies to challenge the same before the competent appellate or revisional forum. A transfer petition cannot be invoked as a substitute for such remedies.

9. Except making allegations that he may not receive a fair adjudication before the learned Judge, the petitioner has not placed any material on record to demonstrate bias, prejudice, mala fides or any circumstance giving rise to a reasonable apprehension that justice would not be done. Mere dissatisfaction with judicial orders passed against a party cannot constitute a ground for transfer of proceedings.

10. It is well settled that transfer of a case can be ordered only when there exists a reasonable and bona fide apprehension in the mind of a litigant that he would not receive a fair trial before the concerned Court. Such apprehension must be based on cogent material and not on

conjectures, surmises or adverse orders passed during the course of proceedings.

11. In the present case, the allegations made by the petitioner are founded solely on the orders passed by the learned Judge in the final decree and execution proceedings. The same, by themselves, do not furnish any valid ground to infer bias or lack of impartiality on the part of the Presiding Officer. No exceptional circumstance warranting transfer of FDP No.82/2020 has been made out. Accordingly, this Court is of the considered view that the petitioner has failed to establish any justifiable ground for transfer of FDP No.82/2020 from the Court in which it is presently pending. The petition being devoid of merit is liable to be dismissed. Hence, Point No. 1 is answered in the **negative**.

12. **Point No.2:** In the result, this Court proceed to pass the following;

ORDER

The petition filed by the Petitioner under Section 24 of C.P.C., is hereby dismissed.

Send a copy of the Order to concerned Court for information.

(Dictated to the Stenographer Grade-II directly on the computer, typed by her, then corrected and pronounced by me in the Open Court on this the 9th day of April, 2026).

(M. Chandrashekar Reddy)
Principal City Civil & Sessions Judge,
Bengaluru.