

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Transfer Appl. No. 11/2026

Dheraj Sharma S/o Sh Ramswaroop Sharma, Aged About 40
Years, R/o 63 H, Block, Sri Ganganagar.

-----Petitioner

Versus

1. Sikander Singh S/o Karnail Singh, R/o Houseno 904,
Ward No 13, Purani Abadi, Sri Ganganagar.
2. Shiv Shanker S/o Hanuman, R/o House No 233,
Agersennagar, Sri Ganganagar.

-----Respondents

For Petitioner(s) : Mr. V.K. Bhadu

For Respondent(s) : Mr. Mahendra Thanvi

HON'BLE MS. JUSTICE REKHA BORANA

Order

28/03/2026

1. The present transfer application has been filed with a prayer that Case No.RC 5/2024 titled as 'Sikander Vs. Dheraj' pending before the Rent Tribunal (CJM), Sri Ganganagar be transferred either to Court at Hanumangarh or to any other Court.
2. The facts as pleaded in the application are that a petition for eviction of a shop premise was filed by the responodents against the petitioner. The Rent Tribunal proceed ex-parte against the petitioner defendant which order was however set aside but at a heavy cost to the tune of Rs.10,000/-. Subsequently, the application seeking permission to cross examine the plaintiff-witnesses was also allowed at a cost of Rs.5,000/- per witness. It has been submitted that the said costs were imposed by the Presiding Officer, he being under an influence of Counsel for the

petitioner. It has further been submitted that on one occasion, the Presiding Officer even misbehaved with Counsel for the defendant petitioner.

3. Counsel for the petitioner submits that a complaint of the Presiding Officer has also been filed by the applicant to the Registrar, Vigilance of this Court. He submits that the behavior of the Officer had since the inception been biased in so far as he intentionally fixed different dates in all the three matters pending before it, between the same parties. The imposition of heavy costs is sufficient to prove the said bias.

4. Per contra, counsel for the respondent submits that earlier too an application for transfer of the matter was filed by the present applicant before District Judge, Sri Ganganagar and the same stood dismissed vide well reasoned order dated 29.04.2024. The present application has again been filed after a period of two years with a malafide intent to delay the proceedings.

5. Counsel placed on record the order sheets of the matter in question to reflect that since the inception, the defendant petitioner had been making all possible attempts to delay the proceedings, by hook or by crook. It is only because of the said practice adopted by the defendant that the cost was imposed by the Presiding Officer.

6. Counsel lastly submits that despite the permission to cross examine the witnesses been given to the defendant at a cost of Rs.10,000/-, till date, the witnesses have not been cross examined.

7. Heard the Counsels. Perused the record and the complete order sheets as placed on record today.

8. A bare perusal of the order sheets reflects that the present application is a clear example of frivolous attempt on part of the defendant to somehow protract the proceedings. On 22.01.2025, the affidavits of examination-in-chief of the plaintiff witnesses were filed and time for cross examination was granted to counsel for the defendant.

9. However, when the same were not cross examined on the next date i.e. 28.02.2025, opportunity was granted at a cost of Rs.2,000/-. On the next date i.e. 02.04.2025, a junior counsel appearing on behalf of the defendants submitted that the Senior Counsel is not available and the defendant himself would appear in person and would file an application. But none appeared after that to cross examine the witnesses and hence, the Court directed to proceed *ex parte* against the defendant. At that stage i.e. after passing of the order, an application under Order 9 Rule 7, CPC was filed on behalf of the defendant. The application stood allowed vide order dated 13.08.2025 and the Court, in the interest of justice, permitted the defendant to cross examine the plaintiff witnesses at a cost of Rs.20,000/-. The next date fixed in the matter was 25.09.2025.

10. Interestingly, on 25.09.2025 also, the witnesses were not cross examined and an application under Order 11 Rule 14, CPC was filed by the defendant. On the next date i.e. 10.10.2025, the application stood rejected and the matter was posted for cross examination on 07.11.2025.

11. On 07.11.2025, an application was filed by counsel for the defendant with an averment that an application for transfer of the matter has been filed by the defendant before the High Court and

hence, the matter be adjourned. The Court on that date, directed the defendant to place on record either an interim order or a transfer order positively by the next date. On the next date i.e. 08.12.2025, last opportunity was granted in the interest of justice.

12. Ultimately, on 18.12.2025, the Court directed again to proceed *ex parte* against the defendant and proceeded on to hear the final arguments and posted the matter for judgment on 05.01.2026. However, on 05.01.2026 again an application under Order 9 Rule 7, CPC was filed on behalf of the defendant and the matter was then posted for 28.01.2026.

13. As is admitted, the matter is pending till date and the judgment has not been pronounced.

14. What is crystal clear from the above order sheets is that the petitioner defendant is bent upon not to permit the Court to proceed with the matter and to pronounce the judgment.

15. Interestingly, an averment was made before the learned Trial Court on 07.11.2025 that an application for transfer has been moved before this Court and the next date is fixed for 08.12.2025. But the present transfer application was filed in the month of January 2026. Meaning thereby, even the averment made before the learned Trial Court was totally incorrect and untrue.

16. In view of the above overall facts, this Court is of the clear opinion that the present transfer application is nothing but a malafide attempt on behalf of the defendant petitioner to malign the concerned Judicial Officer, for his personal interest. No such attempt of any litigant can be acceptable and neither can any such practice be encouraged.

17. In the present scenario, when all the Subordinate Courts/Tribunals are under a constant pressure because of the "Mission Mode" drive, to decide the matters within a specific time frame, denial of adjournments with an intent of quick disposal, cannot in any manner be termed to be biased or arbitrary. No Officer who proceeds in accordance with law and attempts to decide the matters within a specific time frame, can be maligned on the pretext of bias. Further, the present is the best example of continuous delayed tactics adopted by the defendant petitioner with the sole intent to ensure that the matters are not decided.

18. For the aforesaid reasons, the present transfer application is **dismissed** at a cost of Rs.35,000/-. The cost be deposited with the Litigant Welfare Fund within a period of four weeks from now. If the cost is not deposited within the stipulated period, the application under Order 9 Rule 7, CPC as filed by the defendant before the learned Trial Court shall stand rejected and the learned Tribunal shall be at liberty to pass the final judgment.

19. Stay petition and pending application, if any, stand **disposed of**.

(REKHA BORANA),J