

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

S.B. Civil Transfer Application No. 102/2026

1. Lrs Of Shri Premchand, S/o Late Shri Kishan Lal Through His Legal Represented- R/o Naya Bas, Pali Bazar, Mahamandir District Jodhpur, At Present Residence Of 201 Riddhi Vinayak Society, Ratan Nagar, Shobhawaton Ki Dhani, Jodhpur Raj.
2. Smt. Kiran Devi W/o Late Shri Prem Chand, Aged About 76 Years, R/o Naya Bas, Pali Bazar, Mahamandir District Jodhpur, At Present Residence Of 201 Riddhi Vinayak Society, Ratan Nagar, Shobhawaton Ki Dhani, Jodhpur Raj.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Assistant Commissioner, Department Of Devasthan, Jodhpur
2. Smt Champa Kanwar W/o Late Shri Kishan Lal, Residence Of Ghanchiyon Ka Bass, Mahamandir, District Jodhpur. (Since Deceased)
3. Shri Rikhabh Chand S/o Late Shri Kishan Lal, Residence Of Ghanchiyon Ka Bass, Mahamandir, District Jodhpur
4. Smt Chanchal Kanwar D/o Late Shri Kishan Lal, Wife Of Shri Kapoor Chand Gulecha, Sushant City Ke Pass Ansal Colony Ke Pass, Vagelari, Basni,hero Honda Car Showroom Ke Piche Jodhpur
5. Shri Ishwar Lal Balani S/o Late Shri Moti Lal Balani, Residence Of C-145, Kirti Nagar, District Jodhpur (Since Deceased)
6. Shri Mahesh S/o Late Shri Mool Chand Karnawat, Residence Of Aakash Baghs, Shop No. 23, Katlabazar, District Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Rakesh Gupta
For Respondent(s)	:	-

HON'BLE MR. JUSTICE FARJAND ALI

Order

07/05/2026

1. The present transfer petition has been instituted seeking transfer of Civil Suit No.5/2010, presently pending adjudication

before the learned Estate Officer, Devasthan Department, Jodhpur, to some other competent forum. The sole substratum of the petition rests upon a vague, unsubstantiated and omnibus allegation of bias, bereft of any tangible material or cogent foundation. No specific instance, circumstance, or conduct attributable to the learned Estate Officer has been brought on record so as to even remotely probabilise any real likelihood of prejudice or miscarriage of justice.

2. This Court, during the course of hearing, repeatedly queried the learned counsel for the petitioner as to the precise basis upon which such apprehension of bias was being nurtured against the Presiding Officer. However, except for making bald assertions lacking factual edifice, no convincing or legally sustainable explanation could be furnished. Mere conjectures, whimsical apprehensions, or fanciful perceptions cannot constitute a valid foundation for invoking the extraordinary jurisdiction of transfer under Section 24 of the Code of Civil Procedure.

3. It is also pertinent to observe that the proceedings in question arise under a special enactment and are triable by the forum specifically contemplated thereunder, namely the Estate Officer of the Devasthan Department. The statutory mechanism having consciously entrusted adjudicatory authority to such officer, the same cannot be lightly circumvented or displaced in the absence of compelling and exceptional circumstances.

4. The law is well-settled that transfer of proceedings from the ordinary forum of trial is not to be ordered as a matter of routine or mere convenience. Unless there exist substantial, exceptional,

and demonstrable circumstances indicating a genuine apprehension of failure of justice, the territorial and ordinary jurisdiction prescribed by law ought not to be disturbed.

5. In the case at hand, no circumstance whatsoever has been shown which may legitimately attract the exercise of powers under Section 24 CPC. The petition appears to be founded entirely upon unfounded suspicion and speculative apprehension, lacking any legal substratum.

6. Consequently, this Court finds the present transfer petition to be wholly misconceived, devoid of force, and bereft of merit. The same therefore deserves dismissal and is accordingly dismissed.

(FARJAND ALI),J