

ITEM NO.5

COURT NO.11

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

TRANSFER PETITION (CIVIL.) NO(s). 593-594 OF 2011[FOR PREL. HEARING]

M/S. EVERGREEN PROPERTIES & ORS.

Petitioner(s)

VERSUS

HARYANA FINANCIAL CORPN.(HFC) & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay)

Date: 13/05/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. V.M. Issar,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

In these petitions filed under Section 25 of the Code of Civil Procedure, the petitioners have prayed for transfer of Civil Appeal Nos.34/2010 and 35/2010, pending in the Court of Additional District Judge, Faridabad to any competent Court at Delhi.

The aforesaid prayer of the petitioners is founded on their assertion that the suit filed by them in 1992 remained pending in the trial Court for 18 years and was ultimately partially decreed on 9.3.2010 and the cross appeals filed by the parties are pending for last more than one year.

At page-K of the list of dates, the petitioners have suggested that respondent No.3 in the transfer petitions

2

has manipulated to delay disposal of the suit and they are not likely to get justice in the Courts at Faridabad.

We have heard learned counsel for the petitioners and carefully perused the record.

For the reasons best known to them, the petitioners have omitted to place on record the proceeding sheets of the suit, perusal of which would have disclosed as to who was responsible for delaying the disposal of the suit. That apart, no material has been placed on record in support of the petitioners' apprehension that the appeals filed by them and the Haryana Financial Corporation will not be disposed of at an early date. In any case, mere delay in the disposal of suit or appeals cannot justify an order of transfer from one State to the other.

The transfer petitions are, accordingly,

dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master