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C.A.No. 3186 OF 1999

ITEM No.110

Court No. 7

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 3186 of 1999

JAISHREE DEVI & ANR. Appellant (s)

VERSUS

SARDAR RAM SINGH & ORS.Respondent (s)

Date : 07/04/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. J.M. Khanna,Adv.
Mr. T.N. Bhatt,Adv.
Ms. Shefali Sethi,Adv.

For Respondent (s)Mr. Prakash Shrivastava,Adv.

Mr. A.P. Dhamija,Adv.
Ms. Pratibha Jain,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties from 3.10 p.m. to 3.35 p.m.

The civil appeal is allowed.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3186 OF 1999

Jaishree Devi & Anr. ...Appellant(s)

Versus

Sardar Ram Singh & Ors. . . . Respondent(s)

O R D E R

In this appeal, the order made by the High Court exercising its jurisdiction under Section 24 of the Code of Civil Procedure, 1908 [for short, "the Code"] is under challenge. The District Judge, Moradabad, passed an order on 1st July, 1991 under Section 24 of the Code transferring civil Suit Nos. 40/83, 16/74, 68, 476/84 and 220/90 from the court of Munsif, Hasanpur, to the court of IIIrd Additional Munsif Magistrate, Moradabad. The High Court, as noticed above, passed the impugned order on 24th September, 1997, transferring Suit Nos. 40 of 1983, 16 of 1974 and 68 of 1983 to the court of Munsif Magistrate, Hasanpur, District Moradabad, from the court of the IIIrd Additional Munsif Magistrate, Moradabad. In other words, the High Court ordered re-transfer of the afore-mentioned three suits as against the order made by the District Judge, referred to above.

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We are now told that no progress is made in these suits so far on account of the pendency of this appeal.

Having heard the learned counsel for the parties, we are satisfied that the High Court was not right and justified in ordering re-transfer of the afore-mentioned three suits by the impugned order to the court of Munsif Magistrate, Hasanpur, when the District Judge, having considered the relevant aspects, had passed the order transferring the suits to the court of IIIrd Additional Munsif Magistrate, Moradabad. We are also told that the distance between the place where the parties reside to the court at Moradabad is not much.

Under the circumstances, we set aside the impugned order and direct the IIIrd Additional Munsif Magistrate, Moradabad, to proceed to dispose of Suit Nos. 40 of 1983, 16 of 1974 and 68 of 1983 as expeditiously as possible having regard to the fact that one suit is of the year 1974 and the other two suits are of the year 1983.

The civil appeal is, accordingly, allowed.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]
New Delhi,
April 07, 2004.