

PRESENT

S.M. Thangi ... Petitioner

C. Lalchhuankimi ... Respondent

Date of Hearing 22.4.2014

Date of Judgment 22.4.2014

APPEARANCE

For the Applicant Mr. Reuben L. Tochhawng, Advocate

For the Respondent None

ORDER

This application has been filed u/s 24 CPC for transfer of the Civil Suit No.69/2010 which is pending before the Court of Pi M. Lallianmawii, Senior Civil Judge-II, Aizawl to any other Court of Senior Civil Judge due to urgency of the case and the ailment of the Presiding Judge.

Mr. Reuben L. Tochhawng, Id. Counsel for the Applicant submitted that there is urgency in the Suit which is at the stage of Further Proceeding. The Id. Counsel submitted that due to the illness of the Presiding Judge, the Court has not been functioning properly and the same has caused a lot of problems to the parties. The Id. Counsel further submitted that in the interest of justice and for early redress of the grievance of their Plaintiff, the Suit may be transferred to any other Court of Senior Civil Judge.

Postal Receipt in respect of the sole Respondent dt.18.2.2014 is submitted and kept on record. The Respondent has failed to enter appearance. As more than 30 days has lapsed from the date of despatch of service, service may be deemed upon the said Respondent.

Considering the submissions of both the Id. Counsels, it is seen that this application has been made only because of the illness of the Presiding Judge who is taking up the Suit. There has been no whisper of malafide or irregularity on the part of the Judge or the proceedings in the said Court. The Presiding Judge is a Cancer patient and often has to avail Leave for her treatment. Considering the reason stated in the application and in the interest of justice, I find that sufficient ground has been made to transfer the said Suit.

Accordingly, Civil Suit No. 69/2010 shall be transferred to the Court of Senior Civil Judge-I, Aizawl i.e. Pu Lalbiakzama. The parties shall appear before the said Court on 19.5.2014.

With the above Order, the application stands disposed off.

Sd/- HELEN DAWNGLIANI
Addl. District & Sessions Judge
Aizawl Judicial District : Aizawl.

Memo No _____ AD&SJ/2014 : Dated Aizawl, the 22nd April, 2014.
Copy to:-

1. S.M. Thangi through Counsel Mr. Reuben L. Tochwang, Advocate.
2. C. Lalchhuankimi D/o C. Ngura (L), Dam Veng, Aizawl.
3. Pu Lalbiakzama, Senior Civil Judge-I, Aizawl.
4. Registration Section.
5. Guard File.
6. Case Record.

P E S H K E R