

PRESENT

Lalchhanhima ... Petitioner

1. Lalliansangi
2. Lalnuntluanga ... Respondents

Date of Hearing 15.4.2014

Date of Judgment 15.4.2014

APPEARANCE

For the Applicant Mr. B. Lalramenga, Advocate

For the Respondents Mr. Andrew Lalhruaitluanga, Advocate

ORDER

This application has been filed u/s 24(1)(b)(ii) CPC for transfer of the Declaratory Suit No.9/2013 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. B. Lalramenga, Id. Counsel for the Applicant submitted that the case was initially taken up by Pu Michael Lalrinsanga Sailo, Senior Civil Judge and on being posted as Chief Judicial Magistrate, the case was transferred to the Court of Pi M. Lallianmawii and the same is pending disposal. The Id. Counsel submitted that there is urgency in the Suit which is at the stage of Appearance of Parties and Submission of Written Statement. 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.

The Id. Counsel for the Respondents did not raise Objection and admitted that due to the ailment of the Presiding Judge, the matter has not been attended for a long time.

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 was 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, Declaratory Suit No. 9/2013 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 16th April, 2014.
Copy to:-

1. Applicant through Counsel Mr. B. Lalramenga, Advocate.
2. Respondents through Counsel Mr. Andrew Lalhruitluanga, Advocate.
3. Pu Lalbiakzama, Senior Civil Judge-I, Aizawl.
4. Registration Section.
5. Guard File.
6. Case Record.

P E S H K E R