

IN THE COURT OF THE ADDL.DISTRICT AND SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT : AIZAWL

Civil Misc. Apppln. No. 5/2014
In Civil Suit No. 41/2009

P R E S E N T

Mrs. Helen Dawngliani
Addl. District & Sessions Judge

1. Friendship Helping Hand Society,
D-25A,Hnamte Press Building,
Khatla Kawn,Aizawl represented by its
Chairman Sh. H. Somorjit Singh
2. Sh. H. Somorjit Singh.
Chairman, Firndship Helping Hand Society,
D-25A, Hnamte Press Building.
Khatla Kawn, Aizawl ... Petitioner

Versus

1. Sh. H. Lalthanzauva S/o Chawnga (L)
R/o Chhinga Veng, Aizawl
2. Dr. Vanlalthuma Sailo S/o Kaphrima (L)
R/o Chaltlang, Aizawl ... Respondent

Date of Hearing 15.4.2014

Date of Judgment 15.4.2014

A P P E A R A N C E

For the Petitioner Mr. A. Rinliana Malhotra, Advocate

For the Respondent No. 1 Mr. W. Sam Joseph, Advocate

For the Respondent No. 2 Mr. R. Lalhmingmawia, Advocate

O R D E R

This application has been filed u/s 24 r/w Section 151 CPC for transfer of the Civil Suit No.41/2009 which is pending before the Court of Pi M. Lallianmawii, Senior Civil Judge, Aizawl to any other Court of Senior Civil Judge due to urgency of the case and the ailment of the Presiding Judge.

Mr. A. Rinliana Malhotra, 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.

The Id. Counsel for the Respondent 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 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. 41/2009 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 15th April, 2014.
Copy to:-

1. Applicants through Counsel Mr. A. Rinliana Malhotra, Advocate.
2. H. Lalthanzauva through Counsel Mr. W. Sam Joseph, Advocate.
3. Dr. Vanlalthuma Sailo through Counsel Mr. R. Lalhmingmawia, Advocate.
4. Pu Lalbiakzama, Senior Civil Judge-I, Aizawl.
5. Registration Section.
6. Guard File.
7. Case Record.

P E S H K E R