

In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)
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File No.

09/Transfer app
2019-20

Date of Institution
22.07.2019

Date of Decision
21.01.2021

Mohd Azam S/o Fazal Din R/o Dhanwan Kote Tehsil and District Rajouri

...Applicant

Versus

Abdul Hussain S/o Jalal Din R/o Dhanwan Kote Tehsil & District Rajouri.

...Non-applicant

In the matter of:

Petition for transfer of appeal titled "Abdul Hussain V/s Mohd Azam" with respect of setting aside the mutation No. 1832 with respect to the land measuring Khasra No. 2495/1021 and 2496/1021 measuring 45 kanals and 11 marlas situated at Village Treru Daggal Alal Tehsil Kalakote pending in the Court of Learned Deputy Commissioner, Rajouri to any other court of competent jurisdiction for disposal on merits under law and in the meanwhile summoning the record and stay the proceedings in the court below.

ORDER

The present case has come up for hearing on 21.01.2021. Nobody appeared on behalf of both the parties today and they have not been attending the court since 25.11.2020.

Perusal of the case file reveals that the present transfer application has been filed for transferring the petition titled Abdul Hussain V/s Mohd Azam filed by respondent herein pending before the court of Ld. Deputy Commissioner Rajouri to any other court of competent jurisdiction on the apprehension that the Presiding Officer is not hearing the case on merits. During the pendency of this transfer application before this court, the Presiding Officer of the court below against whom the allegation of bias were leveled has been transferred and new incumbent has joined in his place. Therefore, the present transfer application has become infructuous. Accordingly, this transfer application is dismissed and the case is remitted back to the court below. The court below shall resume the proceedings in the case and decide the same expeditiously after hearing the necessary parties.

The stay order issued by this court, if any, shall stand vacated. The case file be consigned to records after due completion.

Pawan Kumar Sharma, KAS

Additional Commissioner, Jammu
[with the powers of Divisional Commissioner]