

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 13th OF JANUARY, 2026

MISC. PETITION No. 51 of 2026

RAJRAKHAN SINGH AND OTHERS

Versus

*RAJKARAN SINGH (SINCE DECASED) THROUGH LRS JAI SINGH
AND OTHERS*

Appearance:

Shri Rakesh Dwivedi - Advocate for the petitioners.

ORDER

By way of this petition, challenge is made to the order dated 18.11.2025 passed by the Principal District Judge, Sidhi, whereby the Principal District Judge has rejected application under Section 24 of Civil Procedure Code for transfer of the case from the Court of Third Civil Judge, Senior Division, Sidhi to some other Court. Reason was assigned in the application that despite there being a direction of this Court on 21.11.2025 to decide the suit within six weeks, still the trial Court fixed the case for final arguments for 08.01.2026 noting that it is not possible for the trial Court to decide the suit within six weeks and then when the petitioner filed an application for transfer of the case on the ground that the Civil Court is disinclined to decide the suit within six weeks, then the Principal District Judge has held by the order dated 18.12.2025 that indeed there was great volume of work before the concerned Court and therefore, it cannot be deemed that the concerned trial Court is disinclined to decide the suit and

hence rejected the application for transfer of the suit. It is contended that even after disposal of application under Section 24 for transfer on 18.12.2025, the trial Court has not shown any inclination to hear final arguments in the suit and has now fixed the date for final arguments for 03.02.2025.

2. Upon considering the contentions of counsel for the petitioner and on perusal of the record, it is seen that the civil suit in question is pending since January, 2013. A Petition under Article 227 of the Constitution of India, being MP No.6442 of 2025 was filed before this Court contending that since the year 2013 the case has been continuously fixed for final arguments, but for some reason or the other, the trial Court did not have time to hear the final arguments since last two years and final arguments have not taken place.

3. In the present matter, the suit was first fixed for final arguments on 23.11.2023 and since then continuously the Court is adjourning the case for hearing the final arguments. Sometimes the dates are being adjourned on the asking of some party or sometimes the dates are being adjourned on account of paucity of time with the court. However, the fact remains that though the suit is being fixed continuously since 28.11.2023 for final argument, but the Trial Court did not get time to hear final arguments since last two years.

4. Considering the position that since last two years the case is being fixed for final arguments and the Court did not have time to hear final arguments, this Court on 21.11.2025 in M.P. No.6442 of 2025 directed the trial Court to hear the final arguments and decide the suit within six weeks.

5. The order sheets placed on record before this Court indicate that when the said order was placed before the trial Court, then the trial Court on 25.11.2025 simply wrote that it is impossible for the trial Court to decide the suit within six weeks and stated that looking to the work load before the trial Court, the trial Court is under no position to decide the suit within six weeks and it is sheerly impossible for the Court to hear the final arguments and pass judgement within six weeks.

6. It is pertinent to note here that only hearing of final arguments and passing of judgement remains in the matter and despite the order of this Court being produced before the trial Court on 25.11.2025, the trial Court refused to hear final arguments and fixed the case for final arguments on 08.01.2026, which was a date beyond the time limit of six weeks fixed by this Court. No doubt if there was any genuine difficulty, then the trial Court could have taken some more time, but the trial Court could at least have made endeavour to hear the final arguments within six weeks and the trial Court by passing a detailed order simply refused to hear the final arguments up to 08.01.2026 noting that looking to the workload before the trial Court, it is in no position to hear the final arguments.

7. The Trial Court recorded that its Presiding Officer is the incharge Chief Judicial Magistrate and having charge of Juvenile Justice Board, and is not in position to decide the suit within six weeks and fixed the date after seven weeks. This order of the Trial Court is very surprising. The Court made no attempt to take up the matter and fixed the date beyond six weeks, that may or may not be a show of oneupmanship or the learned Trial Judge

taking offence with the order of the High Court. Such instances give an impression in the mind of the litigant as a sad sign of disintegration of judicial discipline and hierarchy when the Civil Judge refuses to even list the case within the time limit fixed by the High Court.

8. This was the order which was passed in a suit which was almost 13 years old at the time when the trial court was refusing to hear final arguments since last two years.

9. Even on 08.01.2026, the next date has been fixed on 03.02.2026 for final arguments and looking to such attitude of the Presiding Officer, this Court is of a view that the Presiding Officer is in no position to decide the suit. It was therefore a fit case for the Principal District Judge to have assigned the matter to some other Presiding Judge, whoh had some judicial time left with him to decide the cases, because the Third Civil Judge, Senior Division Sidhi has no judicial time available with her to hear final arguments in a suit 13 years old and when the Principal District Judge agreed with the reasoning of the Presiding Officer that even fixation of date within the time limit fixed by this Court is not possible, then in the interest of justice, the Presiding Officer should have considered this as a ground under Section 24 CPC and made over the case to some other Civil Judge, who has sufficient judicial time to hear final arguments and decide a 13 year old suit, in which trial is complete and only final arguments are to be heard and judgement remains to be passed.

10. In view of the above, the order of the Principal District Judge dated 18.12.2025 is set aside. The application under Section 24 CPC is

allowed. The Principal District Judge, Sidhi is requested to transfer the suit to a Court of same jurisdiction having judicial time spare with him to decide 13 years old suits in which only final arguments are to be heard and then judgement is to be passed.

11. A copy of this order be sent to the Principal District Judge, Sidhi, the District Judge (Inspection) having charge of District Sidhi on administrative side. It be also placed before the Hon'ble portfolio judge having charge of Sidhi for his kind information. Petition is **disposed of**.

(VIVEK JAIN)
JUDGE

rj