

Writ Petition No. 1210 (M/S) of 2001

(Old No. 10249/2000)

Deepak Tiwari and others

.....Petitioners

Versus

District Judge, Nainital

and others

.....Respondents

Hon'ble P.C. Verma, J.

This writ petitioner has been filed by the petitioners challenging the order passed by the District Judge by which the learned District Judge has transferred the trial of the suit to the Additional District Judge, from the court of Civil Judge (Senior Division). The contention of the learned counsel for the petitioner is the learned District Judge tries and suit, they will have to file appeal before the High Court and there is no notification by the High Court conferring the power to try the suit by the Additional District Judge which can only be done by the issuance of a notification by the High Court. It has been reported to this Court that there are two Civil Judges (Senior Division) in Nainital. Therefore the order dated 8.2.2000 passed by the District Judge, Nainital is set aside and it is directed that the case be tried by another Civil Judge. The learned counsel for the petitioner submits that the trial of the suit may be expedited as the evidence of the parties has been concluded and the arguments have to be advanced. Therefore, it is provided that in case the evidence of the parties has been concluded, the Civil Judge (Senior Division) who shall try the suit shall complete the trial within a period of two months from the date of production of a copy of this order.

Subject to above, the writ petition is disposed of.

R.P.Singh

30.5.2001