

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CMPMO No.261 of 2016.  
Decided on :28<sup>th</sup> February, 2017.**

---

Rajinder Singh Khimta

....Petitioner.

Versus

Principal Secretary Power to the Government of Himachal Pradesh and  
others.

....Respondents.

---

*Coram*

***The Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.***

***Whether approved for reporting?<sup>1</sup>***

For the petitioner : Mr. Ranvir Chauhan, Advocate.

For the respondents : Mr. Virender Kumar Verma, Addl. AG, Mr. Pushpinder  
Jaswal, Dy. AG with Mr. Rajat Chauhan, Law Officer,  
for respondent No.1.

Mr. Vivek Negi, Advocate, for respondents No.2 & 3.

---

**Chander Bhusan Barowalia, Judge (oral).**

The present petition is maintained by the petitioner under Section 24 of the Code of Civil Procedure, for transfer of the petition from the Court of learned District Judge (Forest) Shimla to the Court of learned Addl. District Judge-I, Shimla. As per the petitioner, when the petition was moved, it was assigned to the Court of learned Addl. District Judge-I, Shimla. The said Court issued notices to the parties, replies were also filed and subsequently, the case was transferred to the Court of learned District Judge (Forest), Shimla. It is averred in the petition that reference petitions were also preferred by the other claimants more particularly arising out of the same award i.e. award No.585, dated 18.7.2007 and few petitions preferred

---

<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment? Yes.

against the same award are still pending before the said Court. It is further averred in the petition that few reference petitions arising out of the same award have been disposed of by the Court of learned Addl. District Judge-I, Shimla. The reference petitions arising out of the same award are pending adjudication before the Court of learned Addl. District Judge-I, Shimla, i.e. Reference Petition No.8-S/4 of 2013 titled Om Parkash vs. HPSEB, the pleadings have been completed and evidence on behalf of the petitioner are still to be examined. Hence, the present petition.

2. Learned counsel appearing on behalf of the petitioner has argued that the property in dispute is situated at Rohru, District Shimla, as the Court of learned Addl. District Judge-I, Shimla, having Circuit Court at Rohru, it will be appropriate if the said Court is hear and decide the present case.

3. No reply to the petition has been filed nor intended to be filed.

4. Heard. At this stage, taking into consideration the fact that the petition is duly supported with an affidavit of the petitioner and similar matters are also pending before learned Addl. District Judge-I, Shimla, no prejudice will be caused in case the present petition is also heard by the Court of learned Addl. District Judge-I, Shimla. So, it is ordered that reference Petition **No.48-S/4 of 2015/2013 titled Rajinder Singh vs. Principal**

***Secretary Power and others***, is ordered to be transferred from the Court of learned District Judge (Forest) Shimla to the Court of learned Addl. District Judge-I, Shimla. Parties are directed to appear before the learned Addl. District Judge-I, Shimla, on ***30<sup>th</sup> March, 2017.***

5. The petition is disposed of accordingly alongwith all pending application (s), if any.

**28<sup>th</sup> February, 2017**  
(CS)

**(Chander Bhusan Barowalia)**  
**Judge**