



2026:DHC:2702



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 25th March, 2026
Date of Decision: 01st April, 2026

+ CM(M) 405/2026

NARINDER KHULLAR

....Petitioner

Through: Mr. Prateek and Ms. Yakshi Kataria,
Advocates.

versus

SUNNY CHAURASIA

....Respondent

Through: Mr. Tejas Singh, Advocate.

CORAM:**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER**

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 03rd January, 2026 passed by the learned trial court in RC ARC No. 5136/16, whereby the case which had been reserved for judgment by the learned trial court (hereinafter referred to as the '*learned predecessor judge*'), was released from the stage of judgment.

2. I have heard the learned counsel for the parties and perused the record.

3. Learned counsel for the petitioner submits that once the case has been heard and reserved for judgment by the trial court, the same could not have been released from the stage of judgment. Learned counsel further relies upon the transfer order bearing No. 41/DHC/Gaz/G-7/VI.E.2(a)/2025 dated 17th October, 2025, issued by the learned Registrar General of this Court. It is submitted that the case had been reserved for judgment by the learned



predecessor judge prior to the issuance of the said transfer order. However, the learned predecessor judge, without pronouncing the judgment as required under the said transfer order, transferred the case to learned successor judge. It is contended that any rehearing of the case would result in undue delay in the adjudication of the case and would cause grave prejudice to the petitioner.

Learned Counsel for the respondent also submits that he has no objection if the case is placed before the learned predecessor Judge, who had heard the final arguments, for the purpose of pronouncement of judgment.

4. A perusal of the record shows that the case was reserved for judgment on 17th September, 2025 after conclusion of the final arguments on 21st August, 2025 by the learned predecessor judge. The case was thereafter repeatedly listed for pronouncement of judgment on 13th October, 2025, 25th November, 2025, 26th December, 2025 and 3rd January, 2026, however, the judgment was not pronounced.

5. The impugned order was passed on 3rd January, 2026, which reads as follows:

“The matter is listed for pronouncement of judgment. On perusal of the record, it appears that certain clarifications are necessary for proper adjudication from both the sides for proper and complete adjudication of the issues involved. The Court is of the considered view that the matter cannot be finally disposed of at this stage without hearing further arguments, particularly on the points which arise from the record and which have a bearing on the final outcome. However, this Court is presently not in a position to hear further arguments in the matter, since the undersigned has been transferred from the Court where the matter was heard and thereafter reserved for judgment. Accordingly, the present case is released from the stage of judgment.”



Let the complete file be sent back to the concerned Court for further proceedings for 12.01.2026.”

6. It is also pertinent to note that the learned predecessor Judge was transferred *vide* transfer order dated 17th October, 2025, issued by learned Registrar General of this Court. The relevant portion thereof is reproduced as under:

“HIGH COURT OF DELHI: NEW DELHI

No. 41 /DHC/Gaz/G- 7/VI.E.2(a)/2025

Dated: 17 October, 2025

ORDER

*Hon'ble the Chief Justice and Hon'ble Judges of this Court have been pleased to make the following postings/transfers in the Delhi Judicial Service **with immediate effect:-***

<i>S. No.</i>	<i>Name of officer (Mr./Ms.)</i>	<i>From</i>	<i>To</i>	<i>District to which allocated</i>	<i>Remarks</i>
6.	Mohit Sharma	SCJ-cum-RC, South-East, Saket	CJM, Shahdara, KKD	Shahdara	In a vacant court

Note(s):-

- 1. The judicial officers shall be under the control of the Principal District & Sessions Judge of the district, to which they have been allocated.*
- 2. The judicial officers under transfer shall notify the cases in which they had reserved judgments/orders before relinquishing the charge of the court in terms of the posting/transfer order. The judicial officers shall pronounce judgments/orders in all such matters on the date fixed or maximum within a period of 2-3 weeks thereof, notwithstanding the posting/transfer. Date of pronouncement*



shall be notified in the cause list of the court to which the matter pertains as also of the court to which the judicial officer has been transferred and on the website.”

7. A Co-ordinate Bench of this Court in ***CRL.M.C. 9064/2025 titled Parvesh Mann @ Sagar Mann v. State (NCT of Delhi), decided on 05th January, 2026***, has dealt with an issue similar to that as involved in the present petition and upon placing reliance on the judgment in ***B.D. Sharma vs. State of NCT of Delhi & Anr., reportable as 2025:DHC:5607*** has held as follows:

“21. Once final arguments had been fully heard, the learned Predecessor Judge was bound to pronounce the judgment. Directing a rehearing of arguments in such circumstances not only defeats the mandate of the transfer orders and the law laid down by this Court, but also results in avoidable delay in adjudication and places an unnecessary burden upon the learned Successor Judge, who is compelled to rehear a matter that has already been fully argued.”

8. From the record, it is evident that final arguments in the case were heard on 21st August, 2025 and the case remained reserved for pronouncement of judgment for about four months with the learned predecessor judge. The observation of the learned predecessor judge in the impugned order dated 03rd January, 2026, to the effect that further arguments were required, is not justified as the case remained reserved for judgment for a considerable period of time. The release of the case from the stage of final judgment and sending it back to the learned successor judge for 12th January, 2026 is unjustified as it is contrary to the transfer order as well as the settled principles of law as discussed above.



9. In view of the aforesaid discussion, this Court is of the opinion that the learned predecessor judge ought to pronounce the judgment in the said case. Accordingly, the impugned order dated 03rd January, 2026, whereby the case was released from the stage of judgment and sent back to the learned successor court for further proceedings, is set aside.

The case bearing no. RC ARC 5136/16 is directed to be transferred from the court of Senior Civil Judge-cum-Rent Controller, South East, Saket Courts, New Delhi, to the court of learned predecessor judge, presently posted as CJM, Shahdara, Karkardooma Courts, Delhi for the purpose of pronouncement of judgment.

10. The petition is disposed of in the above-stated terms. Pending applications, if any, also stand disposed of.

11. Copy of the order be sent to both the courts for necessary information and compliance.

**RAJNEESH KUMAR GUPTA
JUDGE**

APRIL 01, 2026/ik