



2025:DHC:9197



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

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Date of Decision: 16.10.2025

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CM(M) 2011/2025, CM APPL. 65358/2025 & 65357/2025**USHA DRAGER PRIVATE LIMITED & ANR.Petitioners**

Through: Mr. Vivek Kohli, Senior Advocate
with Vierat K. Anand, Mr. Rahul
Gaur and Ms. Shaivika Agrawal,
Advocates.

versus

DRAEGERWERK AKTIENGESELLSCHAFT & ORS.

.....Respondents

Through: Mr. Sudhir Makkar, Senior Advocate
with Ms. Shweta Bharti and Mr. J.K.
Chaudhary, Advocates.

CORAM: JUSTICE GIRISH KATHPALIA**ORDER (ORAL)**

1. Petitioners have assailed order dated 23.09.2025 of the learned Principal District & Sessions Judge, South-East, Saket Courts, Delhi, whereby their application under Section 24 CPC seeking transfer of Civil Suit from one court to another court was dismissed.

2. Having heard learned senior counsel for petitioners, I do not find this petition worthy of even issuing notice.

3. To begin with, before the learned Principal District & Sessions Judge



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as well as before this court, the categorical stand of the petitioners is that there was no apprehension of bias against the concerned judicial officer, from whose court the suit is sought to be transferred. The only reason for seeking transfer is that the opposite side (*respondent herein*), in their reply filed before this court in CM(M) 2296/2024 alleged: “*While the Petitioners realised that their case is not likely to get a favourable consideration from the Ld. Trial Court, in order to avoid the current Judge presiding the Ld. Trial Court, the Petitioners weaved the ploy to enhance the valuation of the suit to such an extent that would oust the pecuniary jurisdiction of the Ld. Trial Court, and which would lead to rehearing of the case by another individual.*” By way of the impugned order, the learned Principal District & Sessions Judge, after citing various judicial precedents held it not to be a fit case to transfer the subject suit.

4. Today, learned Senior Counsel for petitioners commenced his submissions emphasising that the petitioners had no apprehension of bias against the concerned judicial officer but in view of the above extracted pleadings filed by the opposite party in CM(M) 2296/2024, now a reasonable apprehension of bias has arisen, therefore, the learned Principal District & Sessions Judge ought to have transferred the suit. Learned Senior Counsel for petitioners submits that in view of the above extracted pleadings, the petitioners feel that the undue interest shown by the opposite party to get the suit decided by the concerned judicial officer raises suspicion in the mind of the petitioners, therefore, this is a fit case to transfer the suit.



5. In the impugned order, the learned Principal District & Sessions Judge has cited various judicial precedents on the issue involved in this case, which precedents are not being reiterated herein for brevity. Suffice it to record that the undisputed legal position is that the petitioner, seeking transfer of a case from one court to the other does not have to establish the actual bias; what is required is that the petitioner seeking transfer must have a reasonable apprehension of bias.

6. Merely because one of the parties, in its pleadings (*that too before a court other than the court where the subject suit is pending*), alleges that the other side deliberately enhanced the valuation of the suit to ensure that the suit comes out of jurisdiction of the concerned trial court, it cannot be overstretched to mean that the party making such pleadings is confident of getting relief from the concerned trial court, that too to an extent of holding the apprehension of bias to be reasonable. In every case, where the amendment in valuation of the suit is opposed on the ground that plaintiff has done so only to pull out the suit from pecuniary jurisdiction of the trial court, the plaintiff would claim it to be a cause to suspect that the defendant is resisting amendment as he is confident of getting relief from the same trial court. Such resistance would be endless. That would be absurd.

7. Therefore, I do not find the apprehension of bias as expressed by the petitioners to be a reasonable apprehension.

8. I am unable to find any infirmity in the impugned order, so the same



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is upheld.

9. Rather, it appears that the present petition has been preferred simply to protract the suit proceedings, either without going through the judicial precedents referred in the impugned order or, in worse situation, despite going through the same.

10. The petition is devoid of merit and is frivolous, so dismissed with costs of Rs.10,000/- to be deposited by petitioners with DHCLSC within one week. Pending applications stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 16, 2025/ry