



2026:AHC:140883

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 7908 of 2026**

Ramesh Chand Sachdeva

.....Petitioner(s)

Versus

Alok Prakash

.....Respondent(s)

Counsel for Petitioner(s)	: Alka Srivastava, Santosh Kumar Srivastava, Syed Shahnawaz Shah
Counsel for Respondent(s)	: Hemant Kumar

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Shri Santosh Kumar Srivastava, learned counsel for the petitioner and Shri Hemant Kumar, learned counsel for the respondent.

2. The present petition under Article 227 of the Constitution of India has been filed assailing the order dated 02.04.2026 passed by the learned District Judge, Meerut in Transfer Application No. 732 of 2025, whereby

Meerut, for disposal in accordance with law, in exercise of powers under Section 24(5) of the Code of Civil Procedure, 1908¹.

3. The facts giving rise to the present petition, to the extent relevant for adjudication of the controversy involved, are noticed hereinafter.

4. The dispute between the parties relates to a shop ad-measuring approximately 255 square feet, situated at premises no. 34, Banshipura (Classic Sports), Suraj Kund Road, Meerut City, hereinafter referred to as “the disputed premises”. It is not in dispute that the petitioner is a tenant in the disputed premises under the respondent-landlord at a monthly rent of Rs.8,000/-. The relationship of landlord and tenant between the parties is admitted.

5. The respondent instituted S.C.C. Suit No.69 of 2020 before the Court of the Judge, Small Causes Court, Meerut seeking eviction of the petitioner on the ground of default in payment of rent. Upon service of summons, the petitioner entered appearance and filed his written statement denying the allegations contained in the plaint and asserting that he had been regularly paying the rent and had committed no default. The respondent thereafter filed a replication reiterating the averments made in the plaint.

6. During the course of trial, the respondent examined himself as P.W.-1 in support of his case. In defence, the petitioner examined himself as D.W.-1 and also adduced the evidence of two other witnesses. Upon completion of evidence on both sides, the suit was posted for final arguments.

7. At that stage, the petitioner moved an application dated 06.10.2025 under Order VI Rule 17 CPC seeking amendment of the written statement so as to incorporate a plea that the suit, having been valued at Rs.1,06,806.45, was beyond the pecuniary jurisdiction of the Court of the

8. Thereafter, the respondent filed an application under Section 24(5) CPC before the District Judge, Meerut, praying that in view of the valuation of the suit exceeding the pecuniary jurisdiction of the Court where it was pending, the suit be transferred to a court competent to entertain and decide the same. The petitioner filed objections to the transfer application contending that the application was not maintainable and had been filed by suppressing material facts. It was asserted that the suit, at the time of its institution, had been valued at Rs.1,06,804.45, whereas the pecuniary jurisdiction of the Court of the Judge, Small Causes Court, Meerut extended only up to Rs.1,00,000/-, and therefore the suit had been instituted before a court inherently lacking pecuniary jurisdiction. According to the petitioner, Section 24(5) of the Code could be invoked only where a suit had been validly instituted before a competent court and the question of jurisdiction arose subsequently on account of a change in circumstances, and not where the suit was incompetent from its inception. It was further contended that the initial presentation of the suit before a court lacking jurisdiction could not be validated through transfer proceedings, that the trial conducted by such court was void, and that the only permissible course in law was return of the plaint for presentation before the competent court. On these premises, dismissal of the transfer application was prayed for.

9. The aforesaid transfer application came to be considered by the learned District Judge, Meerut, who, after hearing the parties and considering the material brought on record, proceeded to pass the impugned order dated 02.04.2026.

10. The impugned order records that a report had been called for from the concerned Court and that the petitioner had filed objections opposing the transfer application. Upon consideration of the reports submitted by the concerned Court and the *Munsarim* the learned District Judge recorded that

learned District Judge held that sufficient grounds existed for allowing the transfer application and that it would be appropriate to transfer the suit to the Court of the Additional District Judge, Court No. 2, Meerut.

11. Consequently, by the order dated 02.04.2026, the transfer application was allowed, S.C.C. Suit No. 69 of 2020 was withdrawn from the Court of the Judge, Small Causes Court, Meerut and made over to the Court of the Additional District Judge, Court No. 2, Meerut for disposal in accordance with law. Aggrieved by the aforesaid order, the petitioner has invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

12. Learned counsel for the petitioner submits that the impugned order is wholly unsustainable in law inasmuch as S.C.C. Suit No. 69 of 2020, having been instituted with a valuation of Rs.1,06,806.45 before a Court whose pecuniary jurisdiction extended only up to Rs.1,00,000/-, was not maintainable before the Court of the Judge, Small Causes Court, Meerut from its very inception. It is contended that the proceedings conducted before a Court lacking inherent pecuniary jurisdiction, including the evidence adduced by the parties, are *non est* in the eyes of law and could not have been validated by invoking the power of transfer under Section 24(5) CPC.

13. It is further submitted that once the trial Court was found to be devoid of pecuniary jurisdiction, the only course available in law was to return the plaint under Order VII Rule 10 of the Code for presentation before the competent Court and not to transfer the suit together with the evidence already recorded. Learned counsel, therefore, submits that the learned District Judge committed a manifest error of jurisdiction in allowing the transfer application without appreciating the objections raised by the petitioner, and that the impugned order is liable to be set aside.

jurisdiction, the only course permissible in law was to direct return of the plaint under Order VII Rule 10 of the Code for presentation before the competent court. The issue squarely turns on the interplay between the transfer power under Section 24 CPC and the procedure for return of plaint under Order VII Rule 10 CPC.

15. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that the controversy essentially lies in a narrow compass, namely, whether the learned District Judge could, in exercise of powers under Section 24(5) CPC, transfer a suit which, according to the petitioner, had been instituted before a court lacking pecuniary jurisdiction, or whether the proper course in such a situation was to return the plaint under Order VII Rule 10 of the Code. The answer to the said question depends upon the true scope and ambit of Section 24(5) of the Code *vis-à-vis* the procedural mandate contained in Order VII Rule 10, and the effect, if any, of the trial already conducted before the court of first instance.

16. The principal contention advanced on behalf of the petitioner is that once it was found that S.C.C. Suit No. 69 of 2020 had been instituted before a court lacking pecuniary jurisdiction, the entire proceedings conducted by the said court, including the evidence recorded therein, stood vitiated in the eyes of law and, consequently, the learned District Judge could not have exercised powers under Section 24(5) CPC to transfer the suit to a court of competent jurisdiction. According to the petitioner, the only course open in law was to direct return of the plaint under Order VII Rule 10 of the Code for presentation before the competent court.

17. In order to appreciate the aforesaid contention, it would be apposite to examine the scheme of the Code governing return of plaint and transfer of proceedings. Order VII Rule 10 of the Code embodies the principle that

in character and seeks to regulate the forum before which the *lis* is to be adjudicated.

18. However, the provisions relating to return of plaint cannot be read in isolation, divorced from the other provisions of the Code. The Code constitutes a complete procedural framework and, within that framework, Section 24 confers wide powers upon the High Court and the District Court to transfer or withdraw suits, appeals, and other proceedings pending before subordinate courts. The power is expressed in broad terms and is intended to secure the proper administration of justice by enabling proceedings to be tried by a court competent to entertain the same.

19. The width of the power under Section 24 of the Code also deserves notice. The power is not confined merely to cases involving convenience of parties or transfer on administrative grounds. It is intended to enable the superior court to ensure that proceedings are ultimately adjudicated by a forum competent in law. The provision is couched in the widest possible terms by authorising transfer “at any stage” of the proceedings and, by virtue of sub-section (5), even from a court which has no jurisdiction to try the suit. Such legislative language clearly manifests that the provision is remedial in character and is intended to avoid multiplicity of proceedings and unnecessary procedural complications.

20. Significantly, sub-section (5) of Section 24 expressly provides that a suit or proceeding may be transferred under the said provision “from a court which has no jurisdiction to try it”. The language employed by the Legislature is plain, unambiguous, and admits of no qualification. The provision itself contemplates a situation where proceedings are pending before a court lacking jurisdiction and nevertheless authorises the District Court to transfer such proceedings to the court competent to try the same. The legislative intent, therefore, is manifest that absence of jurisdiction in

construction which renders it redundant. The maxim *ut res magis valeat quam pereat* requires that every part of the statute should be interpreted so as to have operative effect. Therefore, Section 24(5), which specifically authorises transfer from a court lacking jurisdiction, cannot be rendered meaningless by holding that return of plaint under Order VII Rule 10 is invariably the only permissible course.

22. The contention that in every case where the court of institution is found to lack pecuniary jurisdiction, return of the plaint under Order VII Rule 10 is the only permissible course, cannot be accepted. Such an interpretation would render sub-section (5) of Section 24 otiose. The settled principle of statutory interpretation requires that every provision enacted by the Legislature must be given its due meaning and effect and that no provision should be construed in a manner which renders another redundant or nugatory. Order VII Rule 10 and Section 24 operate in distinct, though complementary, spheres. While the former provides one procedural mechanism for presentation of the plaint before the proper forum, the latter empowers the superior court to remedy the defect by transferring the pending proceedings to a court competent to adjudicate upon the dispute. Both provisions advance the common object of ensuring that the *lis* is ultimately decided by a court having jurisdiction.

23. The Code does not treat every defect relating to pecuniary or territorial jurisdiction as fatal to the proceedings. Rather, the legislative scheme demonstrates an intention to preserve and continue proceedings before a competent forum wherever such course is legally permissible. It is in furtherance of this object that Section 24(5) expressly authorises transfer even from a court lacking jurisdiction. To hold that the plaint must invariably be returned notwithstanding the existence of such an express statutory power would not only render Section 24(5) largely redundant but would also compel avoidable duplication of proceedings, thereby defeating

Code itself contemplates continuity of proceedings after transfer and leaves it to the discretion of the transferee court to determine whether the matter requires a *de novo* trial or whether the proceedings may continue from the stage at which they stood transferred. Consequently, the submission advanced on behalf of the petitioner that the evidence recorded prior to transfer necessarily becomes *non est* and cannot be looked into by the transferee court does not find support from the statutory scheme itself.

25. The legal position is thus clear that return of the plaint under Order VII Rule 10 is not the sole or mandatory consequence whenever a defect of jurisdiction comes to light. Where the District Court, in exercise of its statutory powers under Section 24(5), transfers the proceedings to a court competent to entertain and decide the matter, such transfer constitutes a lawful method of remedying the defect of jurisdiction. An interpretation compelling return of the plaint in every case, notwithstanding the express language employed in Section 24(5), would elevate procedural form over substantive justice and defeat the legislative object underlying the provision.

26. The aforesaid interpretation also stands fortified by the decision of this Court in **Shiv Shankar v. Mahavir @ Ghura Turha and Others**², wherein an identical question arose for consideration as to whether, upon discovery of a jurisdictional defect, return of the plaint under Order VII Rule 10 was the only permissible course or whether the District Judge could exercise powers under Section 24(5) CPC to transfer the suit to a court of competent jurisdiction. Upon an elaborate consideration of the scheme of the Code, particularly the interplay between Order VII Rule 10 and Section 24, this Court held that the provisions relating to return of plaint are procedural in nature and do not curtail or override the plenary power of transfer vested in the District Court under Section 24. It was further held that Section 24(5) expressly contemplates transfer of a suit from a court lacking jurisdiction

insistence upon return of the plaint would amount to elevating procedural form over substantive justice.

27. Applying the aforesaid principles to the facts of the present case, this Court finds that the learned District Judge exercised the jurisdiction vested in him under Section 24(5) CPC strictly in accordance with law. The impugned order records that, upon consideration of the reports submitted by the concerned Court and the *Munsarim*, it was found that S.C.C. Suit No. 69 of 2020 had been valued at Rs.1,06,806.45, whereas the pecuniary jurisdiction of the Court of the Judge, Small Causes Court, Meerut extended only up to Rs.1,00,000/-. Upon noticing the jurisdictional defect, instead of permitting the proceedings to continue before an incompetent court, the learned District Judge exercised the statutory power specifically conferred under Section 24(5) and transferred the suit to the Court of the Additional District Judge, Court No. 2, Meerut, which was competent to entertain and decide the same.

28. The principal submission advanced on behalf of the petitioner is that once the defect of pecuniary jurisdiction came to light, the only permissible course was return of the plaint under Order VII Rule 10 of the Code and that the evidence recorded by the court lacking jurisdiction became *non est*. The submission cannot be accepted. Section 24(5) expressly authorises transfer of a suit from a court which has no jurisdiction to try it, and the legislative intent is thereby clear that transfer constitutes a valid statutory mechanism for curing a jurisdictional defect. Acceptance of the petitioner's contention would render sub-section (5) of Section 24 largely redundant and would defeat the very object for which the provision has been enacted.

29. Equally untenable is the submission that the evidence recorded prior to the order of transfer necessarily stands obliterated. Sub-section (2) of Section 24 specifically provides that the transferee court may, subject to

matters falling within the jurisdiction of the transferee court in accordance with law. The impugned order merely directs transfer of the proceedings and does not foreclose the exercise of such discretion by the transferee court.

30. It is also noteworthy that the petitioner has not demonstrated any prejudice occasioned solely on account of the transfer of the proceedings. The grievance projected in the present petition is founded upon the legal proposition that transfer itself was impermissible. Once that proposition is found to be contrary to the express language of Section 24(5) as well as the settled legal position noticed hereinabove, no independent ground survives to hold that the exercise of jurisdiction by the learned District Judge suffers from any manifest illegality or jurisdictional error.

31. The supervisory jurisdiction of this Court under Article 227 of the Constitution is intended to ensure that subordinate courts act within the bounds of their jurisdiction and in accordance with law. It is neither appellate nor meant to substitute the Court's own view for that of the subordinate court merely because another view may also be possible. In the present case, the learned District Judge has exercised a jurisdiction expressly vested by statute and the course adopted is consistent with the scheme of the Code of Civil Procedure. No patent illegality, perversity, or jurisdictional infirmity has been demonstrated so as to warrant interference by this Court in exercise of its supervisory jurisdiction.

32. In view of the foregoing discussion, no ground for interference under Article 227 of the Constitution is made out. The petition lacks merit and is, accordingly, **dismissed**.