

**THE COURT OF FINANCIAL COMMISSIONER REVENUE
(COMMISSIONER AGRARIAN REFORMS)
JAMMU AND KASHMIR AT JAMMU**

FILE NO.
360/FC-AP

DATE OF INSTITUTION
26.02.2015

DATE OF DECISION
29.07.2015

1) SHAM LAL S/O NAND LAL R/O DHARORE, TEHSIL AND DISTRICT REASI.
(APPLICANT)

VERSUS

- 1) DHARAM CHAND S/O KIRPA RAM R/O DHARORE, TEHSIL AND DISTRICT REASI;
- 2) BUBA WD/O RAM LAL (D/O KIRPA RAM) R/O PATTA LEHD, JAMMU;
- 3) KISHNO W/O DEV RAJ (D/O KIRPA RAM) R/O PATTA LEHD, JAMMU;
- 4) VIJAY KUMAR S/O SARDARU @ SARDARI LAL;
- 5) OM PARKASH S/O -----DO-----;
- 6) BODH RAJ S/O -----DO-----;
- 7) SHAM LAL S/O -----DO-----;
- 8) RAM PIARI WD/O -----DO-----;
- 9) ASSO @ RATNO DEVI

(NON APPLICANTS)

In the matter of:

For transferring the appeal titled, “Sham Lal Vs. Dharam Chand & others” pending disposal before the Additional Commissioner, Jammu to this court or any other court.

For Petitioner ---

For Respondents --- Advocate Ravinder Kr. Sharma

ORDER

- 1) The present transfer application has been filed in connection with an appeal, titled **“Sham Lal Vs. Dharam Chand & others”** pending disposal before the Additional Commissioner (with powers of Divisional Commissioner), Jammu. A perusal of the same shows that the applicant has levelled serious allegations against the presiding officer of the court below, which in turn have been duly refuted by her as is discernible from the para wise reply filed vide No. 801/Addlcom/305 dated 31.03.2015. The non-applicants have also filed detailed written submissions similarly refuting the allegations.
- 2) This court has gone through the case file as well as the submissions of all stake holders in the matter and observes that the applicant has not been able to point out cogent reasons as to why the appeal should be transferred from the court below. Levelling charges against anyone without constructive proof is not enough and can only be termed as a dilatory tactics to delay decision. In the circumstances, therefore, the present transfer application is rejected. The parties are directed to appear before the court below which shall dispose of the case within a maximum period of 60 days after providing due opportunity of being heard to them, which includes filing of written submissions/counters/rebuttals within the deadlines stipulated by the court below. No costs. Interim directions, if any, shall stand vacated. The case file be relegated to records after due completion.

Sd/-
(Dr. Arun Kumar) IAS
Financial Commissioner Revenue
(Commissioner Agrarian Reforms)
Jammu and Kashmir, Jammu

Announced today on this the **29th day of July, 2015** under my hand and Seal of this Court.