

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2088 of 2015

Date of Decision.23.03.2015

Bharat Bhushan Goyal (since deceased) through LR and another
.....Petitioners

Versus

Surjit Kaur and others
.....Respondents

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petition for transfer is sought on the ground that the Presiding Officer has made some expressions in Court on the conduct of the plaintiffs which was inappropriate and not even handed, if the defendants' conduct was also to be put in a balance and examined who was interested in prolonging the case and who was lingering on. The counsel would take by umbrage of the fact that when the plaintiffs' witnesses were not examined for several dates of hearing and the defendant was only taking time, the Court was unjustified in declining the petitioners' request for some documents to be filed or when a petition was filed for putting some question to the handwriting expert. They had moved the Court for transfer before the District Judge and the petitioners' apprehension is that their own failed attempt to have case transferred through a petition before the District Judge is bound to influence the thinking of the Judge to render a fair appraisal of their case. According to him, the claim is for a

large sum of over ₹ 77 lacs and he has information through the defendant himself that he is related to the Presiding Officer and the suit will be dismissed.

2. Day to day conduct of the trial has several ups and downs and observations of Court about the conduct of parties ought not to be taken too seriously as clouding the perception of Judge for taking an objective appraisal of the case. Similarly a desperate defendant who makes a declaration of proximity to the Presiding Officer ought not to be taken as true unless there is some material or definite information that the Presiding Officer is closely related to any of the parties and there was no justification for non-recusal. I find no basis for apprehension that the Presiding Officer is related to the defendant and there was any truth in the party making a proclamation that the Presiding Officer was so related.

3. Judges are trained to mentally distance themselves from the quarrels of parties and litigants who come to Court need their focus only on the trial work and not engage in needless suspicions about the Presiding Officers. There could be instances when there are serious problems regarding the partial dispensation of certain Judges but if there have been interventions by transfers they always on surer grounds and better materials placed. I find that the plaintiffs are allowing themselves to be swayed by unnecessary suspicions and if the District Court was not convinced for a transfer on the grounds disclosed, the plaintiffs have done pretty little nothing to convince this Court any better.

4. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 23, 2015
Pankaj*