

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 2908 of 2015

Date of Decision: 28.04.2015.

Vinod Kumar Thapar

... Petitioner

v/s

Seema Mehra and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikram Anand, Advocate
for the petitioner.

Sabina, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 27.04.2014 (Annexure P-4), whereby application moved by the petitioner for transfer of the appeal was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Impugned order reads as under:-

"The concerned judicial file is received and perused. The order of mesne profits passed by the appellate authority was set aside by the Hon'ble High Court with specific directions to it to re-assess the mesne profits on the basis of registered lease deed of the same area or valuation report keeping in view the law which is already settled on the above said proposition and the said exercise is to be carried out within a period of two months. From the perusal of the record of the summoned judicial file, it appears that on

4.4.2015 landlady made statement that she does not press for mesne profits and that the appeal be decided on merits on the next date of hearing. As the landlady is not claiming mesne profits, the appeal is to be fixed for final arguments. In these circumstances, no ground is made out to transfer the appeal from the Court where it is presently pending. Accordingly, this transfer application is hereby declined. The parties are directed to appear in the Court concerned for further proceedings on 28.04.2015. The summoned file be returned immediately. Copy of this order be also sent to the court concerned for information. This file be consigned to record room.

Pronounced in the open Court."

Thus, the learend District and Sessions Judge has rightly dismissed the transfer application. No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

28.04.2015
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