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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.4870 of 2015

Date of decision: August 05, 2015

M/s I.T. Society

.....Petitioner

Versus

Swaran Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kewal Singh, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 04.07.2015.

Learned counsel for the petitioner has submitted that civil suit filed by the petitioner-society was liable to be transferred from the Court of Sh. P.S. Kalkea, Additional Civil Judge (Senior Division), Dera Bassi to any other Court of competent jurisdiction. In fact, Presiding Officer had tried to effect a compromise between the parties. Since the compromise could not be effected between the parties, as the petitioner had refused to enter into a compromise, the Presiding Officer had got annoyed. An application had been moved by the petitioner for summoning witnesses and the said application was wrongly rejected by the Presiding Officer. The said application had in fact, not been taken on record.

The learned District Judge while dismissing the

application for transfer moved by the petitioner has observed as under:-

“4. Perusal of the file shows that civil suit for specific performance of agreement to sell dated 21.10.2004 was filed by applicant/plaintiff on 18.4.2006. After appearance of defendants and filing of their written statement and replication thereto, issues were framed on 24.9.2008. Thereafter, the case was again adjourned for disposal of stay application which was ultimately decided on 5.10.2012. Again the plaintiff availed of eight effective opportunities to conclude their evidence and the civil suit was dismissed in default for non appearance of the plaintiff on 4.2.2014. Ultimately, the civil suit was restored on the statement given by defendant and it was again adjourned for plaintiff's evidence. After restoration of civil suit, the case has been adjourned on four dates for plaintiff's evidence. Perusal of the trial court file shows that the court has given sufficient opportunities to the plaintiff to conclude their evidence. But there is delay on the part of applicant/plaintiff to conclude the evidence. As per provision of section 89 CPC, it is the duty of the court to make efforts for compromise between the parties. In case, compromise is not effected, the case is to proceed as per routine. Therefore, the allegations levelled by the applicant that the Presiding Officer got annoyed as the plaintiff did not agree for compromise does not hold any ground. Even thereafter, the trial court has given effective opportunities to the plaintiff to conclude the evidence. The allegations levelled by the applicant that the defendants are influential persons are also without

any basis. The applicant has referred some Tehsildar but his name has not been mentioned. The case in hand is an old case and the Presiding Officer is duty bound to decide the case expeditiously. On the basis of vague allegations, the case can not be transferred from one court to the other. Therefore, finding no merit in this transfer application, the same stands dismissed. Trial court record be sent back along with copy of this order. File be consigned to Record Room.”

The reasons given by the learned District Judge while dismissing the application moved by the petitioner-society for transfer of the suit from the Court of Sh. P.S. Kaleka, Additional Civil Judge (Senior Division), Dera Bassi to any other Court of competent jurisdiction, are sound reasons and call for no interference.

Dismissed.

**(SABINA)
JUDGE**

August 05, 2015

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