

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

Transfer Application No.111 of 2015 (O&M)

Date of decision: 24.7.2015

Bimal Kumar Mittal

...Petitioner

Versus

Harkirat Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.M.K.Garg, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The only question raised in the transfer application is that the defendant-vendor in a suit for specific performance is unable to find a counsel to defend him after he felt that his previous counsel has lost interest in defending the suit. The cause of concern expressed by Mr.Garg during the course of his address is that the plaintiffs are Advocates practicing in the District Bar Association, Bathinda and, therefore, his case will be prejudiced and the trial Court will remain overawed by the presence of the counsel in their personal case.

It is not the case that all the counsel in the District Courts have passed a resolution that they would not appear for the defendant. Merely

filing an affidavit before the trial court that the defendant has approached 5 civil lawyers and they have all refused to accept the brief is not a ground justifying transfer of the case to another district from Bathinda.

It is not possible for this Court to go into reasons why the petitioner is unable to secure the services of a lawyer. It is also not possible to uproot the case to be tried in another Court which lacks territorial jurisdiction.

I have no reason to exercise jurisdiction under Section 24 of the Code of Civil Procedure and transfer the case to any other jurisdiction except to leave the suit where it has been properly instituted for trial.

For the foregoing reasons, there is no merit in this petition and it is, accordingly, dismissed.

(RAJIV NARAIN RAINA)
JUDGE

July 24, 2015
Paritosh Kumar