

**CM-14679-CII-2015 in/ and
TA-379-2015 (O&M)**

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

**CM-14679-CII-2015 in/ and
TA-379-2015 (O&M)
Date of Decision: July 27, 2015**

Subhash Chander

.....Petitioner

Versus

Prikshit and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sandeep Singal, Advocate
for the petitioner.

Mr.Vikas Mohan Gupta, Advocate
for respondent Nos.1 to 6.

Mr.V.K.Jain, Sr.Advocate with
Mr.Ravi Kadian, Advocate
for respondent Nos.7 to 13.

.....

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?*

Naresh Kumar Sanghi, J.(Oral)

CM-14679-CII-2015

Reply on behalf of respondent Nos.7 to 13 to the
transfer application is taken on record.

CM disposed of.

TA-379-2015

The present petition has been filed under Section 24, CPC, for transfer of Civil Appeal titled "*Subhash Chander vs Prikshit and others*" pending adjudication before learned Additional District Judge, Rohtak to some other Court of competent jurisdiction within the State of Haryana.

Learned counsel for the petitioner contends that one of the respondents is senior Advocate at Rohtak while his son is a Judicial Officer at Delhi, therefore, the petitioner is apprehensive that he might not get justice from the Court at Rohtak.

Mr. Vikas Mohan Gupta, learned counsel representing respondent Nos. 1 to 6 and Mr. V.K. Jain, learned senior counsel, representing respondent Nos. 7 to 13 at the very outset submit that the apprehension expressed by learned counsel for the petitioner is misconceived. However, keeping in view the high tradition of judicial system, they do not have any objection if the appeal mentioned hereinabove is transferred from the Court of learned Additional District Judge, Rohtak, to any other Court within the jurisdiction of this Court.

Learned counsel for the petitioner submits that the above said appeal be transferred to the competent Court of jurisdiction at Sonapat.

Learned counsel for the respondents have no objection with the above prayer.

Transfer of a case from one Court to another, indirectly casts doubt on the competence and integrity of the Judge from

whom the case is sought to be transferred. Mere presumptions or possible apprehension are not sufficient, therefore, only good and sufficient grounds fairly set out in the order may justify the transfer. A transfer should not readily be granted for any fancied notion of a litigant. It should be granted to ensure that applicant gets fair and impartial justice. Paramount factor is the interest of justice. This Court while dealing with this case has kept in mind the basic principle that justice should not only be done, but it must appear that it has been done.

Learned counsel representing the respondents were very fair in their submissions that to maintain the high tradition of judicial system they had not opposed the prayer of the petitioner for transfer of the case, but the averment made in the petition were misconceived.

In view of the totality of the facts and circumstances of the case, the Civil Appeal titled "Subhash Chander vs Prikshit and others" is transferred to the Court of learned District Judge, Sonipat, who shall either decide the appeal himself or assign it to any other Court of competent jurisdiction within his Sessions Division.

Learned Additional District Judge, Rohtak, shall send the complete record along with the record of trial Court to the Court of learned District Judge, Sonipat, immediately.

Parties to the *lis* shall appear before the transferee Court on 27.08.2015 at 10.00 a.m. for further proceedings.

In view of the fact that the present litigation is very old, the learned transferee Court shall make every endeavour to decide the appeal at the earliest preferably within four months

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from the date of receipt of records.

Disposed of accordingly.

July 27, 2015
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(NARESH KUMAR SANGHI)
JUDGE