

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application No.522 of 2015

Date of Decision: 07.08.2015

Pritpal Singh

.... Petitioner

Versus

Yogesh Gupta

.... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Naveen Sharma, Advocate,
for the applicant.

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

RAJIV NARAIN RAINA, J.(Oral).

1. The prayer in this petition is to transfer the suit for recovery of Rs.35 lacs and odd brought by plaintiff Yogesh Gupta against the defendant-applicant Pritpal Singh pending in the civil court in Sub Division Phillaur in Sessions Division, Jalandhar which is the proper court that exercises territorial jurisdiction over the subject matter. The prayer is to transfer the case to some other jurisdiction, say Ludhiana. The suit arises out of a cheque bouncing case.

2. The only argument raised by Mr. Naveen Sharma, learned counsel appearing for the applicant is that Yogesh Gupta is a practising advocate at the Phillaur Bar and no lawyer in the district courts is prepared to take up the brief against a colleague and represent the defendant. He submits that a group of 35 lawyers have resolved that they will not represent Pritpal Singh in the trial court at Phillaur. However, no such resolution has been placed

on record. Even if such a resolution were passed it would still not furnish a valid ground to uproot the civil suit properly instituted in the court of competent jurisdiction and transfer it to another court in some other district court. There may be many lawyers in Phillaur who may not fear or be reluctant to appear for the defendant against the interests of a fellow lawyer in his personal matter.

3. In the present case, the prayer and the submission is that the suit may be transferred from Phillaur to Ludhiana which is at a distance of only 16 Kms while both the parties reside in Phillaur and would be equally inconvenienced in travelling to another city to prosecute and defend the litigation on neutral ground.

4. In find none of these reasons germane in exercise of jurisdiction under section 24 of the Code of Civil Procedure, 1908. There appears to be an oblique purpose of presenting this application which may really be to get the case transferred from a particular court since the learned counsel finally pleaded that liberty be given to his client to approach the District & Sessions Judge with an application to transfer the case to some other Judge in the same Sessions Division. This confirms the impression gained at the hearing that there is something more to the application than meets the eye. Such liberty cannot be given on the mere asking.

5. No ground warranting transfer is made out.

6. The transfer application is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

07.08.2015
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