

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

TA-673-2015

Date of decision: 24.9.2015

Jasbir Singh

...Petitioner

Versus

Amar Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Petitioner in person

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure (for short “CPC.”) was filed by Jasbir Singh-plaintiff/petitioner seeking transfer of RBT Civil Suit No. 142 dated 15.7.2014 titled “Jasbir Singh vs. Amar Singh and others' from the court of learned Civil Judge (Junior Division), Hoshiarpur to some other court of competent jurisdiction at Hoshiarpur.

The plaintiff-petitioner filed a suit for declaration to the effect that he is owner of the house in question and for permanent injunction restraining the respondents -defendants from changing the nature of disputed property by making any alteration or demolishing anything.

The submissions made by the petitioner have been heard.

It is submitted by the petitioner that one Surjit Singh, who has retired from judicial department, is having acquaintance with the Reader of Court and is helping the defendants- respondents. On 19.2.2015 when the case was fixed for his (plaintiff's) evidence, his witnesses namely Bhupinder Kaur and Darshan Singh were present in the court, but incidentally he reached late and it was recorded by the trial Court that they have stated that they have no connection with the present case and do not want to give any statement. Their names were deleted from the list of witnesses. Infact, the Reader of the Presiding Officer misrepresented the facts to the Court with an intention to help the other party in connivance with Surjit Singh. The petitioner added that he apprehended that Surjit Singh being a former employee, may influence the trial.

Earlier the petitioner had given an application seeking transfer of the case from the Court of Civil Judge (Junior Division), Hoshiarpur to some other court, which was dismissed by learned District Judge, Hoshiarpur vide order dated 20.8.2015. The person named by the petitioner i.e. Surjit Singh is neither a party to the suit nor is presently an employee of the court. The names of witnesses i.e. Bhupinder Kaur and Darshan Singh were deleted after recording

their statements, wherein they had stated that they have no connection with the present case and do not want to make any statement. In case the witnesses, who want to appear and make statement before the court, they can move the required application before the court concerned. Nothing substantive could be referred to by the petitioner to support his allegation that the respondent may influence the trial of the case. Mere presumption or possible apprehension is not sufficient for a case to be transferred. A transfer should not readily be granted for any fancied notion of a litigant. The yardstick is the interest of justice. The petitioner should repose confidence in judicial process. Moreover, there is no material on record to show that Reader of the Presiding Officer had misrepresented the facts or was helping the respondents. The apprehension of the applicant appears to be baseless.

In the above premises, the present petition being meritless is dismissed.

24.9.2015
gsv

(SNEH PRASHAR)
JUDGE