

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

TA No.812 of 2015 (O&M).

Date of Decision: 05.11.2015.

Ranjeet Singh alias NeelaApplicant.

VERSUS

Satya Parkash SharmaRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sandeep Singh, Advocate for the applicant.

SNEH PRASHAR, J.

This application under Section 24 read with Section 151 of the Code of Civil Procedure was filed by the applicant seeking transfer of suit titled “Satya Parkash vs. Ranjeet Singh” for possession by way of redemption of mortgage filed by the respondent from the Court of Civil Judge (Junior Division), Yamuna Nagar to a Court of competent jurisdiction at Ambala or Karnal.

The submissions made by learned counsel representing the applicant have been considered.

Learned counsel for the applicant submits that the respondent is a practicing advocate at Yamuna Nagar. The counsel engaged by the

applicant after filing the written statement had refused to defend the case further on his behalf for that reason. The applicant engaged a new counsel but after sometime he too showed his inability to defend him. For the reason that respondent and his son are both advocates, no advocate is ready to take the brief of the applicant because of influence of the respondent. The respondent being lawyer himself is also causing prejudice to the rights of the applicant during the proceedings of the case. So much so that the date of hearing in the case was preponed on the application of the respondent without giving notice to the applicant. Hence, learned counsel for the applicant submitted that the case be transferred to a Court of competent jurisdiction at Ambala or Karnal.

For the mere reason that the respondent-plaintiff is practicing advocate at Yamuna Nagar is no ground for transfer of the suit from that district to some other district. Though the applicant alleges that the advocates at Yamuna Nagar had been showing their inability to defend him, but the perusal of the copies of the orders, produced by the applicant himself, indicate that he has been represented by a counsel throughout and in the presence of that counsel the witnesses of the respondent were examined by the Commission appointed by the Court for that purpose on 21.09.2015. The case thereafter was adjourned for the next date of hearing i.e. 16.11.2015 in the presence of the counsel. No doubt, the order dated 22.09.2015 shows that learned Civil Judge (Junior Division) had taken up the case on 22.09.2015 on an application for an earlier date filed by the respondent-plaintiff and had preponed the case to 16.10.2015 but

simultaneously the trial Court had ordered for issuance of notice to the opposite party through his counsel within two days. Indeed, as argued by learned counsel for the applicant, the date of hearing in the case, if justified, should have been changed by learned Civil Judge (Junior Division) only after issuing notice of the application filed by the respondent, to the opposite party-counsel, but on that ground it cannot be assumed that the trial Court has shown any bias against the applicant when all earlier proceedings in the case were being conducted by the trial Court in a legal and fair manner. The applicant is being duly represented by a counsel and as he has failed to make out any ground for transfer of the case from District Yamuna Nagar, the petition is dismissed.

(SNEH PRASHAR)
JUDGE

05.11.2015.

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