

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

TA-944-2015

Date of decision: 15.12.2015

Vinod Kumar Gupta

...Petitioner

Versus

Roshan Lal Gupta and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Aayush Gupta, Advocate for the petitioner

SNEH PRASHAR, J.

This petition under Section 24 of the Code of Civil Procedure (for short “CPC.”) has been filed by Vinod Kumar Gupta-plaintiff/petitioner seeking transfer of Civil Suit No.219 of 2013 dated 6.4.2009 titled “Vinod Kumar Gupta vs. Roshan Lal Gupta and another” from the court of learned Civil Judge (Sr. Division), Kurukshetra to some other District.

The submissions made by learned counsel for the petitioner have been heard.

It is submitted on behalf of the petitioner that the election of respondent No.1 is illegal and against the constitution of the Society i.e. respondent No.2 and therefore, respondent No.1 has no right to continue as Chairman. The petitioner is an old man of 70

years. He has filed a suit for setting aside the illegal election. Respondent No.1- Roshan Lal Gupta, who is the Chairman of respondent No.2 -School and being a leading Advocate at District Courts, has links with the high ups and therefore the petitioner apprehends that he will not get justice from any court at Kurukshetra.

In the present case, the petitioner appeared and filed his written reply. Both the parties led their evidence in support of their case. Now the case is fixed for rebuttal evidence. Learned counsel for the petitioner could not refer to anything substantive and reliable to support his allegation that the respondent-defendant No.1 may influence the trial of the case. Infact the trial in the case has already reached its fag end. Mere presumption or possible apprehension is not sufficient for transfer of a case from one court to the other. A transfer can 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. In the present petition, not even a single incident has been mentioned when the Presiding Officer – trial Court had passed any prejudicious order. The apprehension of the petitioner is apparently baseless.

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

15.12.2015
gsv

(SNEH PRASHAR)
JUDGE