

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.688 of 2014 (O&M)
Date of Decision: April 20, 2015

Vinod Kumar

...Applicant

Versus

Mangal Sain Grover

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gagan Oberoi, Advocate
for the applicant.

Mr.Nitin Thatai, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Vinod Kumar has filed this application under Section 24 read with Section 151 CPC against Mangal Sain Grover for transfer of petition titled as 'Mangal Sain Grover vs. Vinod Kumar' filed by the respondent under Section 13 of the East Punjab Rent Restriction Act, pending in the Court of learned Rent Controller, Ludhiana, to any Court of competent jurisdiction at any other District of Punjab preferably Chandigarh or Jalandhar.

Notice of motion was issued and respondent appeared through counsel and filed reply contesting the petition. Replication is also filed by the applicant to the reply of respondent.

At the time of arguments, learned counsel for the applicant argued that respondent is a practising Advocate and nobody from the Bar is ready to contest the case of the applicant and there is influence

of the respondent among the Bar and upon the Bench. He further argued that the case may be transferred to any District in Punjab or Chandigarh etc.

On the other hand, learned counsel for the respondent argued that respondent is not practising in the Civil Courts. Respondent is an Income Tax Advocate and is aged about 70 years and is ill. He next argued that applicant is delaying the disposal of the rent petition, which is pending since 2007 and there is finding to that extent of this Court as well as of the Hon'ble Supreme Court.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that, firstly it is admitted fact that respondent is not practising as Advocate before Civil Courts. He is practising on the Income Tax side. Therefore, in no way, it cannot be held that he has any influence over the Bar members. There is also nothing on the record to show as to how the respondent has influence upon the Rent Controller. The rent petition was filed by respondent in the year 2007 i.e. more than 7 years before and the petitioner, who is tenant, is delaying the disposal of the case as held by this Court in the order dated 13.10.2014 passed in CR No.4394 of 2014 by this Court.

Para No.11 of the above-said order reads as under:-

“11. It would be relevant to mention at this stage that the tenant had been changing his counsel quite often and even during cross-examination of the landlord, the tenant had changed three counsel one after the other. It is now the fourth one engaged by him on whose advice he wants further cross-examination of the landlord to be effected, which cross-examination as has already been effected and had taken almost five years for the tenant to

complete. The application is nothing but a delaying and dilating tactic.”

The respondent has also placed on record the copy of the order dated 13.02.2015 passed by the Hon'ble Supreme Court in SLP (C) CC No.2143 of 2015, which reads as under:-

“The demeanour of the petitioner depicted in the impugned order reveals an absolute abuse of the process of law. The cross-examination of the landlord who appeared as P.W.-1 remained pending from 02.04.2009 till 20.02.2014 i.e., for an approximate period of five years. Filing of the present petition, is an another attempt at the hands of the petitioner, to further delay the proceedings.

Having heard learned counsel for the petitioner and having perused the record, we are satisfied that the instant petition deserves to be dismissed with cost. The same is accordingly dismissed with cost which is quantified as Rs.10,000/-. The cost shall be deposited by the petitioner with the Supreme Court Legal Services Committee within four weeks from today. If the cost is not deposited within the time indicated hereinabove, this matter be re-listed for recovery of cost.”

Learned counsel for the applicant tried to explain that it is not the applicant who is delaying the disposal of the case, rather it is the fault of the respondent. This matter has already been decided by this Court as well as Hon'ble Apex Court, therefore, there is no need to look into these facts. Rather, from the record, it looks that this transfer application filed by the applicant shows an other attempt of applicant to delay the proceedings of the case.

Therefore, finding no merit in the present application, the same is dismissed.

April 20, 2015
Vgulati

(INDERJIT SINGH)
JUDGE