

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

113

Civil Revision No.1862 of 2016
Date of Decision: March 22, 2016

Mohinder Kumar

...Petitioner

Versus

M/s. Allied Properties, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. N.S. Bhinder, Advocate
for the petitioner.

Mr. Sanjeev Sharma, Advocate
for the caveator-respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present petition has been moved for transfer of the Rent Appeal No.377 of 15.04.2014 titled as *Mohinder Kumar Versus Allied Properties* pending before the Additional District Judge-cum-Appellate Authority, Chandigarh.

It is the contention of the counsel for the petitioner that the petitioner has no confidence in the Appellate Authority before which the appeal is pending. He contends that the apprehension is there that the Court would not decide the matter on merits and is rather inclined towards the respondent.

I have considered the submissions made by the counsel for the petitioner but I do not find any merit in the same and outrightly reject the same. Mere apprehension cannot be a ground for transferring a case from one Court to the other.

Counsel for the caveator-respondent, who is present in Court, states that he would have no objection if the appeal is transferred to some

other Court but by moving such frivolous application, the petitioner is delaying the process of finalisation of the appeal.

Counsel for the petitioner states that on the next date of hearing i.e. 16.04.2016, the petitioner shall argue his appeal on merits.

In the light of the statement made by the counsel for the parties and keeping in view the facts and circumstances of the present case, the District Judge, Chandigarh, is directed to assign the Rent Appeal No.377 of 15.04.2014 titled as *Mohinder Kumar Versus Allied Properties* to any other Appellate Authority.

It is made clear that no further adjournment shall be granted to the petitioner on any pretext and the case preferably will be decided by the Appellate Authority on 16.04.2016 or a date to be fixed thereafter. The petitioner, in any case, shall conclude his arguments on the date fixed i.e. 16.04.2016 as stated by the counsel for the petitioner.

The revision petition stands disposed of accordingly.

March 22, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE