

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

Civil Revision No.4274 of 2016 (O&M)

Date of Decision: 12.08.2016

PAWAN KUMAR

.....Petitioner

Vs

H.P.S. INSTITUTION PVT LTD & ANR

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Goyat, Advocate for
Mr. Varun Gupta, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed order dated 20.05.2016 (Annexure P-2) passed by District Judge, Narnaul, whereby application for transfer of the case from the Court of Amit Garg, Learned Civil Judge (Sr. Divn.) Narnaul to another Court of competent jurisdiction was dismissed.

[2]. In view of nature of order which this Court proposes to pass, there is no necessity of calling the opposite party at this stage.

[3]. In the application filed by the defendant No.1/petitioner, he alleged that on 04.05.2016, in the evening, he went to New Mandi, Narnaul, where the Director of the plaintiff institution

namely Hitesh Verma along with some other persons met him and they disclosed to the applicant/petitioner that the decision of court in the pending suit would be made against him by all means.

[4]. The applicant/petitioner filed the application for transfer on the aforesaid premise as he had doubt in his mind and had lost faith in the court after this incident.

[5]. District Judge, Narnaul vide order dated 20.05.2016, treated the aforesaid application to be misconceived and dismissed the same. The order reads as under:-

“Reply to the transfer application filed. Heard. On perusal of the application and after hearing the counsel for the parties, this court is of the opinion that the apprehension of the applicant is misconceived and baseless. Hence, there is no merit in the application and the request for transfer of the case from the court of Sh. Amit Garg, learned Civil Judge (Sr. Divn.), Narnaul to some other courts is hereby declined. Transfer application be consigned to the record room.”

[6]. Apparently, the order passed by the District Judge, Narnaul is totally non-speaking. It would be appropriate to direct the District Judge, Narnaul to analyse the perception of the

petitioner with regard to alleged existence of any threat touching to the merits of the case and then pass appropriate order after considering stand of the rival parties.

[7]. Accordingly, the revision petition is disposed of with a direction to the District Judge, Narnaul to pass reasoned order in view of the observation made above.

August 12, 2016	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No