

TA No.85 of 2016

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

TA No.85 of 2016 (O&M)
Date of decision: 08.02.2016

Angoori Devi

....Applicant

Versus

Jasmer Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Raj Kumar Gupta, Advocate, for the applicant.

PARAMJEET SINGH DHALIWAL, J.

Instant application under Section 24 of the Code of Civil Procedure has been filed for transfer of Civil Appeal titled “Angoori Devi v. Jasmer Singh and others” for the Court at SAS Nagar, Mohali to the Court of competent Jurisdiction at Chandigarh or Panchkula.

Brief facts of the case are that applicant filed a suit for possession of a '*bara*' in *abadi* of Village Jauli, Tehsil Derabassi, District SAS Nagar, Mohali, and for permanent injunction restraining the respondents-defendants from raising any type of construction over '*bara*' in dispute. The suit of the applicant-plaintiff was dismissed by the trial Court vide judgment and decree dated 04.11.2011. Aggrieved against the judgment and decree dated 04.11.2011, applicant filed an appeal

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before the appellate Court. The present application has been filed for transfer of the appeal from the Court at Mohali to any other Court of competent jurisdiction at Chandigarh or Panchkula.

I have heard learned counsel for the applicant.

Learned counsel for the applicant contended that Kuldeep Singh LR of Dharam Singh – respondent No.7 is a practicing advocate at Derabassi, Mohali and Rajpura and his son and daughter-in-law are also practicing at Mohali, therefore, the case should be transferred to Chandigarh or Panchkula.

I have considered the contentions raised by learned counsel for the applicant.

The ground seeking transfer of the appeal appears to be misconceived. This cannot be a valid ground for transfer of the case that respondent is a practising advocate in the same Court. Without any proof of influence over the judicial officer, applicant has no ground to raise such a contention. Merely because the litigant is a practising advocate would not constitute a valid ground for transfer of the aforesaid case. This Court in ***D.A.V. College, Hoshiaarpur Society (Regd.) and another v. D.M. Sharma and others, 2005(1) R.C.R.(Civil) 71*** and ***Gurnam Singh and another v. Amandeep Singh and others, 2005(2) R.C.R.(Civil) 314*** had the occasion to deal with identical matter and similar view was taken in these judgments.

In view of above, I do not find any ground to transfer the

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aforesaid case from Mohali to any other Court.

Dismissed.

(Paramjeet Singh Dhaliwal)
Judge

February 08, 2016
R.S.