

T.A. No.418 of 2015

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

TA No.418 of 2015 (O&M)
Date of decision: 13.01.2016

Smt. Kanchan Ranolia and others

....Petitioners

Versus

Smt. Indu 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. Akshay Jain, Advocate, for the petitioners.
Mr Yogesh Saini, Advocate, for respondent No.1.
Mr. Ashok Kumar Verma, Advocate, for
Mr. D.N. Ganeriwala, Advocate, for respondent No.2.
Mr. J.P. Sharma, Advocate, for respondents No.3 to 5.

PARAMJEET SINGH DHALIWAL,J.

Instant application under Section 24 of the Code of Civil Procedure has been filed for transfer of civil suit No.617-C of 2010/13 titled "Smt. Kanchan Ranolia and others v. Smt. Indu and others" from the Court of learned Civil Judge (Junior Division), Hansi, to any other Court away from District Hisar.

Brief facts of the case are that applicants-plaintiffs filed a civil suit for declaration to the effect that they are owners to the extent of 4/5th share i.e. the portion of the house shown in red colour in site plan

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attached along with the plan marked with letters ABCD consisting of two rooms, a store, a kitchen and a bothroom, bearing House Tax Unit No.406 B C/5 situated on Lal Sarak, near Rampura School, Hansi. It was further prayed that judgment and decree dated 08.06.1996 passed by learned Additional Civil Judge (Senior Division), Hansi in civil suit NO.479 of 24.05.1996 was the result of fraud and misrepresentation, null and void, thus, not binding on the rights of the applicants-plaintiffs and the sale deed bearing vasika No.5229 dated 30.03.2010 vide which defendants No.3 to 5 claimed to have purchased the house in dispute is null and void and not binding on the rights of the petitioners. Applicants seek transfer of the aforesaid civil suit on the ground that when applicant No.2 was going to attend the Court proceedings on 16.05.2015, two persons tried to stop her car at the main gate, however, she drove straight inside the Court complex. Thereafter when she was parking her car those two persons came there and started threatening her and asking her to withdraw the suit or face the consequences. She started running towards the Chambers of Lawyers and the said persons chased her but by running fast, she directly went to the chamber of her advocate and narrated whole incident to him. Thereafter she gave complaint to police authorities but no action has been taken by the police authorities. Hence, this application.

I have heard learned counsel for the parties and perused the record.

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Learned counsel for the applicant vehemently contended that there is clear threat perception to the applicants, which may be the handiwork of goons employed by the defendants who want that plaintiffs may not be able to attend their case properly and none of them should be present at the time of cross-examination. To avert any untoward incident and protect the rights of the plaintiffs, suit in question may be transferred out of District Hisar.

On the other hand, learned counsel for the respondents contended that there is no threat to the applicants from the respondents-defendants. They have concocted a false story for the reasons best known to them.

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

There are clear averments in the present application with regard to threat to the life of the applicants that in case any harm is caused to them, they will not be in a position to properly defend the case. Facts in the application reveal that aforesaid civil suit is required to be transferred outside District Hisar so that applicants could defend their case properly without any threat as narrated in the application.

In view of the above, application is allowed. Afore-mentioned civil suit is withdrawn and ordered to be transferred to the Court of competent jurisdiction at Sirsa. Learned District Judge, Hisar shall ensure that the entire record of the case is sent to learned District Judge,

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Sirsa, who may assign the case to competent Court there. Parties are directed to appear before the learned District Judge, Sirsa on 01.03.2016.

(Paramjeet Singh Dhaliwal)
Judge

January 13, 2016
R.S.