

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

**TA-562-2015 (O & M)
Date of decision: 15.11.2016**

Madan LalApplicant(s)

V/s

Rakesh Kumar ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Harish K. Verma, Advocate, for the applicant.

Rajan Gupta, J. (Oral)

This is a petition under Section 24 of the Code of Civil Procedure seeking transfer of the suit titled as 'Madan Lal versus Rakesh Kumar' from the court at Gurdaspur to the court at co-ordinate jurisdiction at Chandigarh or Mohali.

It is urged before the court that the applicant has to undergo dialysis because of renal/kidney failure. Besides, his one leg has been amputated. He has filed an injunction suit against his brother in Gurdaspur where the property is situated. His brother is interfering in his possession and has encroached upon the property in question.

As the property is situated within the jurisdiction of Gurdaspur, I find that there is no sufficient ground in the petition to transfer the proceedings to Chandigarh or Mohali.

Dismissed.

However, for the purpose of recording evidence of the plaintiff-applicant, he shall be at liberty to move appropriate application before the trial court for appointment of Commissioner to record his evidence. Trial court shall consider such application sympathetically and pass appropriate orders as it deems fit in accordance with law.

November 15, 2016
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No