

TA-581-2015

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

TA-581-2015

Date of Decision: 12.02.2016

Amanat Singh

... Applicant (s)

Versus

Jagwinder Singh and others

... Respondent(s)

**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. Gurcharan Singh, Advocate,
for the applicant.

Mr. Karanjeet Singh Brar, Advocate,
for the respondents.

Paramjeet Singh Dhaliwal, J.

Instant application under Section 24 of the Code of Civil Procedure has been filed for transfer of civil suit No.138-1 dated 22.07.2015, titled as 'Amanat Singh vs. Jagwinder Singh and others' pending in the Court of Sh. Pushpinder Singh, learned Additional Civil Judge (Sr. Divn.), Zira, District Ferozepur to any court of competent civil jurisdiction at Kapurthala.

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

Learned counsel for the applicant has contended that the

TA-581-2015

applicant has filed civil suit for declaration and permanent injunction in the Court at Zira. The applicant is a minor and residing with his mother at Kapurtha. His mother is her natural guardian and she has no adverse interest to her minor child. Many other proceedings are pending between the parties at Kapurthala. The mother of the applicant has no source of income and she is totally dependent upon her widow mother and it is very difficult for her to attend each proceedings in the civil suit at Zira, a far away place from Kapurthala where she is residing. The mother of the applicant has a danger to her life at the hands of respondents when she goes to attend the proceedings at Zira. Lastly it is prayed that the civil suit may be transferred to the competent court at Kapurthala.

Per contra, learned counsel for the respondents has vehemently opposed the contentions of learned counsel for the applicant and contended that presence of applicant is not required on each date in the civil suit pending at Zira. There is nothing on file to substantiate that there is any danger to the life of mother of the applicant at Zira at the hands of the respondents and on the basis of mere apprehension, the civil suit cannot be transferred.

This Court has paid its anxious consideration to the contentions put forward by learned counsel appearing on either sides.

Admittedly, there is nothing on record to show that the applicant or his mother has any danger to their lives at the hands of the

TA-581-2015

respondents. The applicant has not produced any evidence to show that any complaint was made regarding the threat advanced by the respondents to the concerned Presiding Officer. The applicant's prayer based upon an unfounded apprehension, cannot be accepted. It is a settled law that while considering the prayer for transfer of the case, a Court cannot arbitrarily transfer a case so as to suit the convenience of one party or the other. A party has no right to choose its forum and a suit filed in the Court of competent jurisdiction cannot be transferred on the mere whim of a party.

In view of above, no ground for transferring the case is made out.

Dismissed.

However the applicant will be at liberty to approach the police authority or concerned court for threat perception, if any.

12.02.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge