

**TA-809-2015**

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

**TA-809-2015 (O & M)**

**Date of Decision: 08.01.2016**

S.K.Kaushal

... Petitioner(s)

Versus

V.K.Kaushal 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. S.K.Kaushal, applicant in person.

Mr. Vikas Suri, Advocate,  
for respondent No.1 and LR's of respondent Nos.2 and 3.

**Paramjeet Singh Dhaliwal, J. (Oral)**

Instant transfer application has been filed under Section 24 read with Section 151 CPC for transfer of Civil Appeal No.191 of 2010/2012 pending in the Court of Sh. A.K.Bishnoi, learned Addl. District Judge, Yamunanagar at Jagadhari to any other court of competent jurisdiction either at Ambala or Jagadhari where the suit properties are situated.

I have heard the applicant present in Court and learned counsel for respondent Nos.1 to 3.

Admittedly, appeal is pending in the Court of Sh. A.K.Bishnoi, learned Addl. District Judge, Yamunangar at Jagadhari. No

**TA-809-2015**

grounds have been mentioned in Section 24 CPC on the basis of which suit or appeal can be transferred to any other court. Keeping in view the facts and circumstances brought before the court, it is to be considered whether the case is required to be transferred or not. Moreover, the applicant who is appearing in person, is practicing as an advocate at Ambala, therefore, the prayer for transfer of the case at Ambala cannot be accepted. Keeping in view the apprehension of the applicant who happens to be an advocate and is appearing in person in courts, and also alternative, this Court is of the opinion that to do complete justice, appeal is transferred to the Court of Dr. Naresh Kumar Singhal, learned Addl. District Judge, Yamunanagar at Jagadhari. Ordered accordingly.

So far as the contention of the applicant that some scandalous averments have been made against him and the same are required to be expunged, the same cannot be done at this stage. However, transferee appellate court is directed to look into this aspect also in accordance with law after affording opportunity of hearing to the parties.

In view of above, instant petition is disposed of in the aforementioned terms with a direction that appeal should be decided within one month from the date of receipt of certified copy of this order, if no stay is in operation to the contrary by any court of competent jurisdiction. The applicant in person submitted that 19 interim orders have been impugned before the appellate court. Be that as it may, the

**TA-809-2015**

transferee court will look into entire matter. It is also directed that while deciding the appeal, the transferee court would pass appropriate order in accordance with law. It is also clarified that all applications already moved or may be moved, the same shall be decided along with the main appeal so that unnecessary adjournment may not occur.

**08.01.2016**  
parveen kumar

**(Paramjeet Singh Dhaliwal)**  
**Judge**