

TA-82-2015

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

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Date of Decision: 27.01.2016

D.M.College Managing Committee Moga and another

... Applicant(s)

Versus

Satya Paul Gupta 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. Sunil Sharma, Advocate for
Mr. Amit Jain, Advocate for
the applicants.

Mr. Dhirinder Chopra, Advocate,
for respondent No.2.

Paramjeet Singh Dhaliwal, J.

Instant application has been filed under Section 24 of the Code of Civil Procedure seeking transfer of Civil Suit (Annexure P-5) to some other Court of competent jurisdiction outside District Moga.

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

Learned counsel for the applicant has vehemently contended that respondent Nos.1 and 2 are practising advocates at Moga and they are the life members of the D.M.Managing Committee, Moga, as such

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there is a difficulty in pursuing the matter before the trial Court i.e. at Moga.

Per contra, learned counsel for respondent No.2 has vehemently opposed the contentions of learned counsel for the applicants and contended that in absence of any specific allegation against respondent Nos.1 and 2 and the Presiding Officer, the applicants cannot be permitted to choose forum of their choice. He further contended that other civil suits are pending between the parties at Moga.

I have considered the rival contentions of learned counsel for the parties.

The applicants have sought the transfer of civil suit (Annexure P-5) merely on the ground that respondent Nos.1 and 2 are practising advocates at Moga. This is not a sufficient and acceptable ground to transfer the case. In the absence of any substantial allegation of any overt act that may give rise to a reasonable apprehension that the applicants would be impaired in their defence at Moga or would be denied justice, the applicants' prayer based upon an unfounded apprehension, cannot be accepted. It is settled law that while considering the prayer for transfer of the case, the Court cannot arbitrarily transfer a case so as to suit the convenience of one party or the other. A suit filed in a Court of competent jurisdiction cannot be transferred on the mere whims and fancy of a party. This Court in ***D.A.V. College, Hoshiaarpur Society (Regd.) and another v. D.M.***

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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 for transferring the civil suit (Annexure P-5).

Dismissed.

27.01.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge