

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.328 of 2017
Date of decision:6.3.2017**

Gurjant Singh

...Petitioner

Versus

Harbans Singh Gill and another

...Respondents

CRM-M-1497-2017

Gurjant Singh

...Petitioner

Versus

Harbans Singh Gill and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the petitioner.
Mr.Vishal Garg Narwana, Advocate for respondent No.1.
Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

This order shall dispose of two petitions bearing CR No.328 of 2017 and CRM-M No.1497 of 2017 as both these petitions arise out of the same impugned order.

Present civil revision petition is directed against the order dated 20.12.2016 passed by the learned District & Sessions Judge, whereby application for transfer of one criminal appeal and three civil appeals pending in two different courts at Fatehabad, to one court, was declined.

Regarding transfer of criminal appeal No.531 of 213 titled as 'Bhan Singh and another Vs. State of Haryana', present petitioner Gurjant Singh filed CRM-M No.1497-M of 2017 for transfer of the above-said

criminal appeal to the same court, which is seized of the matter in three connected civil appeals so that all the four appeals are decided by one and the same court.

Notice of motion was issued.

As per service report, service is complete.

Neither anybody has come present on behalf of the petitioner to argue these two matters nor any request for pass over has been made.

Heard learned counsel for respondent No.1 as well as learned counsel for the State.

After going through the record and hearing learned counsel for respondent No.1, this Court is of the considered opinion that prayer made by the petitioner in both these cases is genuine. The reason to say so is that if all the three appeals bearing No. 1, 2 and 3 of 5.3.2015 are assigned to one and the same learned Additional District & Sessions Judge, it will avoid inconvenience of both the parties. However, it is made clear that petitioners are not seeking clubbing of all these three civil appeals together, as pointed out by learned counsel for respondent No.1 that set of evidence was different in all the three matters. If that is so, learned first appellate court would do well by deciding all the three civil appeals by passing separate and independent judgments therein. Similarly, the criminal appeal would also be decided as per its own facts and evidence available on record.

In view of the above, present Civil Revision No.328 of 2017 as well as CRM-M- No.1497 of 2017, are disposed of, with a direction to the learned District & Sessions Judge, Fatehabad to assign the above-said four

cases to one learned Additional District & Sessions Judge, Fatehabd so that

CR No.328 of 2017 and another

-3-

all the four cases are listed preferably on the same date and decided by passing appropriate judgments therein, in accordance wit law.

With the above-said observations made and directions issued, both these petitions stand disposed of, however, with no order as to costs.

6.3.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No