

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.3408 of 2017

Date of decision: May 11, 2017

Harish Chand Gupta

...Petitioner

Versus

Jagan Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kartar Singh, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 30.03.2017, passed by District Judge, Palwal, whereby application filed by the petitioner for transfer of appeal, has been dismissed.

Order has been challenged before this court on the ground that the Presiding Officer, before whom the instant appeal is pending, was earlier Civil Judge (Senior Division), Hodal, had decided a civil suit and a rent petition relating to the same property. Besides, the Presiding Officer had also initiated contempt proceedings against the petitioner, when he was Addl. Civil Judge (Sr. Division), Hodal.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent Jagan Lal filed a civil suit for declaration and permanent injunction against Lakhmi Chand and others including petitioner. Said suit was dismissed by the trial court on 31.03.2015. Aggrieved, respondent filed appeal, which is pending before Additional

District Judge, Palwal. During pendency of appeal, petitioner, who is an Advocate at Hodal, filed application for transfer of the appeal to some other court. Vide impugned order, the District Judge has dismissed the application. It observed that petitioner was not a party to the earlier Civil Suit No.727/1 of 2003. Moreover, properties in the two cases are not the same. I find no infirmity with the order passed by the court below. It appears, petitioner has aired an apprehension that decision by the Presiding Officer is not likely to be fair. I find no substance in this plea. There is no ground to transfer the appeal to some other court. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 11, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No