

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

CR No.6016 of 2017

Date of decision: 06.09.2017

Smt. Rama Aggarwal

...Petitioner

Versus

Rishi Aggarwal

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mayank Mathur, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 25.08.2017 (Annexure P-5) passed by the District Judge, Palwal, whereby application filed by present petitioner under Section 24 CPC for transfer of Civil Appeal No.85 dated 01.05.2014, has been dismissed.

Perusal of the impugned order shows that initially, the aforesaid appeal was dismissed vide judgment dated 16.09.2016 passed by the Additional District Judge, Palwal. Thereafter, the applicant (petitioner herein) filed regular second appeal before this Court. Precise grievance of the petitioner, at the time of filing of regular second appeal, was that before deciding the appeal on 16.09.2016, the lower appellate Court had not decided the application for additional evidence. The regular second appeal was disposed of by this Court vide judgment dated 01.02.2017 and the matter was remanded back to decide the appeal afresh after deciding

application for additional evidence.

Thereafter, the matter was listed before the same Judicial Officer, who had earlier dismissed the appeal vide judgment dated 16.09.2016. Consequently, applicant (present petitioner) filed an application for transfer of appeal from the said Court to any other Court of competent jurisdiction, which has been dismissed vide impugned order dated 25.08.2017 (Annexure P-5) on the ground that if, a case is remanded back, it is expected to be disposed of by the same Court. Furthermore, it cannot be presumed that the Judicial Officer will form the same opinion at the time of deciding an application for additional evidence.

Having examined the impugned order, no illegality, much less perversity, has been found therein warranting interference by this Court.

Dismissed.

06.09.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No