

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

CR No.8654 of 2017

Date of Decision: December 11, 2017

Ravinder Saggar

..... Petitioner

Versus

Sunita Gaba

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Naresh Gopal Sharma, Advocate
for the petitioner.

DEEPAK SIBAL J. (ORAL)

The present petition has been preferred to challenge therein order dated 07.11.2017 passed by the District Judge, Ludhiana dismissing the application for transfer of the rent appeal of the petitioner from the Appellate Authority, where it was pending, to some other Court of competent jurisdiction.

Learned counsel for the petitioner submits that transfer of the rent appeal was sought by the petitioner on the ground that the Appellate Authority did not even permit the petitioner's counsel from reading the application filed on behalf of the petitioner under Order 41 Rule 27 read with Section 151 CPC seeking to place on record additional evidence and instead asked the counsel to only make oral submissions. Also that an oral prayer made by the petitioner for summoning of certain record was declined after the Court openly expressed that it was going to vacate the stay order granted to the petitioner.

The above submissions did not warrant a favourable consideration.

The power to transfer a case from one Court to the other is to be exercised with caution and circumspection. For seeking transfer of the case, the litigant must show reasonable apprehension that he is not likely to get a fair trial from the Court from which he seeks transfer of his case.

In the present case, the transfer application is based on allegations which are found to be frivolous and vague. No basis which would give rise to any apprehension that he is not likely to get a fair trial from the Appellate Authority where his appeal is pending is shown by the petitioner. Asking the counsel to make oral submissions instead of reading the application and not acceding to an oral prayer made by learned counsel for the petitioner without any formal application are certainly not the reasons for which cases can be transferred from one Court to the other. Learned counsel for the petitioner does not dispute that the Appellate Authority from which transfer of his appeal has been sought by the petitioner is the same Appellate Authority, which at an earlier stage, had granted interim protection to him. It is further not disputed that till date, the application preferred by the petitioner under Order 41 Rule 27 read with Section 151 CPC is still pending.

In view of the above, I have no hesitation in upholding the impugned order passed by the District Judge dismissing the petitioner's application seeking transfer of his case from one Court to the other.

Dismissed.

December 11, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No