

TA No. 444 of 2017 (O&M)

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

TA No. 444 of 2017 (O&M)

Date of Decision: July 17, 2017

Arvinder Kaur & another

...Applicants

Versus

Ram Singh

...Non-applicant

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Paramjit Singh Jammu, Advocate
for the applicants.

AUGUSTINE GEORGE MASIH, J. (Oral):

CM-11576-CII-2017

Allowed, as prayed for, subject to all just exceptions.

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Prayer in this application is for transfer of Civil Suit No.RBT-359 dated 03.07.2012, titled as 'Ram Singh Vs. Arvinder Kaur & another', from the Court of Shri Vinay Sharma, Civil Judge, Tohana, to the Court of competent jurisdiction at Fatehabad or Ratia, on the ground that the applicant apprehends that the Judicial Officer has been approached by the opposite party and therefore, there is every likelihood that the case would be decided in favour of the opposite party without going into merits of the same.

Applicant had earlier filed an application for transfer the said case before the learned District Judge, Fatehabad, who, vide its order dated

12.05.2017 (Annexure P-3), has rejected the same by giving ample and

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justifiable reasons. Reliance has also been placed upon the observations of this Court in a similar matter where it has been clearly said that mere presumption of possible apprehension is not sufficient, therefore, only good and sufficient grounds fairly set out in the application may justify the transfer and paramount fact is the interest of justice.

In view of the above, if such a prayer as has been made in the present application is allowed, there would be no finalization of the *lis* and that also, merely relying upon the hearsay evidence and apprehensions. The order as passed by the learned District Judge, Fatehabad, referred to above, is fully justified and nothing more need to be added thereto.

Finding no merit in the present application, the same stands dismissed.

CM-11577-CII-2017

In view of the order passed in the main transfer application, the prayer of stay made in the present application cannot be granted as the same has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

July 17, 2017
Harish

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No