

TA No. 48 of 2017 (O&M)

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

**TA No. 48 of 2017 (O&M)
Date of decision: 15.2.2017**

Vir Pal Kaur and another

...Applicants

Versus

Tarlochan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sharad Aggarwal,
Advocate for the applicants.

RAMESHWAR SINGH MALIK, J. (Oral)

CM No. 2435-CII-2017

Applicants seek permission to place on record orders as Annexures
P-3 and P-4.

Application is allowed, as prayed for.

CM stands disposed of.

TA No. 48-2017

Applicants, by way of instant transfer application under Section 24
of the Code of Civil Procedure (for short 'CPC'), seeks transfer of the execution
petition filed by them from Ludhiana to Barnala.

Heard learned counsel for the applicants.

It is a matter of record and not in dispute that when the case
bearing HMA No. 136 dated 17.9.2008, arising out of matrimonial dispute, was

going on, applicants never sought transfer of the said litigation from Ludhiana to Barnala. Said litigation culminated into judgment dated 14.2.2013 (Annexure P-1). Thereafter, applicants filed an execution application seeking execution of the abovesaid decree dated 14.2.2013 by way of execution application dated 26.10.2016 (Annexure P-2).

No untoward incident or complaint, at the instance of the respondent, has been brought to the notice of this Court, which may make out a ground for transfer of the execution application of the applicants, from Ludhiana to Barnala. Whatever complaints were made by the respondent against the applicants and particularly against applicant No.1, were during the pendency of the abovesaid earlier litigation or immediately after decision thereof.

Further, learned counsel for the applicant could not point out any apprehension which may be made the basis for transfer of the execution application from Ludhiana to Barnala. Any litigation cannot be ordered to be transferred at the instance of a party to the litigation just on the asking, until and unless there is sufficient cause shown for transfer of said litigation. Transfer of any particular litigation from one court to another without there being any sound reasons for it, would send a wrong message and it will not at all be in the interest of justice.

So far as facts of the present case are concerned, as noticed hereinabove, applicants kept on contesting the litigation for about 4 ½ years at Ludhiana. In this view of the matter, it is unhesitatingly held that applicants have failed to make out a case for transfer of their execution application from Ludhiana to Barnala.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present transfer application is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant transfer application stands dismissed, however, with no order as to costs.

15.2.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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