

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

TA No. 608 of 2017(O&M)

Date of decision: 26.9.2017

Makhan Singh and anotherApplicants

VERSUS

Sukhwinder Singh @ Sukhmander SinghRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Munish Bhardwaj, Advocate for the applicants.

REKHA MITTAL, J.(Oral)

The applicants pray for transfer of civil suit titled **Sukhwinder Singh @ Sukhmander Singh Vs. Makhan Singh and another** pending in the Court of Civil Judge (Senior Division) Bathinda to a Court of competent jurisdiction at Chandigarh.

Counsel for the applicants has submitted that Sukhwinder Singh @ Sukhmander Singh respondent/defendant is the son of applicant Makhan Singh, born out of his previous wedlock. The respondent is inimical towards the applicant as Makhan Singh has performed marriage with Narinder Kaur – applicant No.2 and the said marriage is to his (respondent's) like.

It is further submitted that respondent extended threats to contractor of the applicant and he owns a revolver, gun .12 bore as is evident from the pictures uploaded on a social site, creating a reasonable apprehension in the mind of the applicants that they may be killed or caused harm in case they started cultivating the land themselves.

I have heard counsel for the applicants, perused the paper-book particularly the various annexures appended with the application.

As per plea of the applicants, the respondent threatened contractor of the applicants on the basis whereof an application was submitted to S.H.O. Nathana and the parties were called in the police station. They have not mentioned the name of the contractor much less filing his affidavit in support of the averments raised in para 8 of the application. It is also not clear as to how and by what means the alleged threats were extended by the respondent to kill applicant No.1 in case he enters the village. It further appears to the Court that as the applicants are not happy with the proceedings being pending at Bathinda which is distant from Chandigarh and Panchkula, the instant application has been filed. This apart, personal appearance of the applicants is not required on each and every date of hearing and in case they would apprehend any genuine threat to their life and liberty at the time of appearance in the Court for recording their evidence etc., they can well file an application before the trial Court seeking adequate security at that time.

For the foregoing reasons, finding no merit, the application is dismissed with the aforesaid observations.

SEPTEMBER 26, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no