

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

-.-

TA 710 of 2017

Date of decision: 28.08.2017

*Baba Mahesh Muni Gowshala Trust and others* ..... *Petitioners*

*Versus*

*Madhushudan and others* ..... *Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

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Present: Mr. Vikram Bali, Advocate  
for the petitioners

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**Rekha Mittal, J.** (Oral)

The petitioners pray for transfer of Suit No. 672 of 2015 from the Court of Civil Judge (Junior Division), Sirsa to a Court of competent jurisdiction at Chandigarh or any Court outside State of Haryana.

Counsel for the petitioners would submit that the petitioners have filed a suit for declaration on the basis of registered Will dated 05.04.2011 executed by Gajraj Singh in favour of the Trust namely Baba Mahesh Muni Gowshala Trust. It is further submitted that respondent/defendant No. 1 is an accused for committing offence punishable under Sections 147, 148, 149, 307, 323, 324 and 325 of the Indian Penal Code and Section 25 of the Arms Act and the trial is pending in a Court at Sirsa, therefore, there is threat perception at the behest of respondent No. 1, requiring the suit to be transferred to a Court outside the State of Haryana.

Counsel for the petitioners, in response to a query raised by the

Court, has fairly informed that the criminal proceedings do not pertain to

any injury caused to the petitioners and the case pertains to a third party. He has further informed that the petitioners have not filed any application before the trial Court that any threat is being extended by respondent No. 1 to cause loss to their lives or/and property, creating hindrance in pursuing the litigation in an effective manner. Under the circumstances, the petitioners have miserably failed to substantiate their allegations raised in the petition warranting intervention by this Court.

In view of the above, the present petition fails and is accordingly dismissed in limine.

(Rekha Mittal)  
Judge

28.08.2017  
mohan bimbura

Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No