

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

TA No. 949 of 2017(O&M)

Date of decision: 13.11.2017

Manjinder Singh and anotherApplicants

VERSUS

Baldev Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. N.S. Kamboj, Advocate for the applicants.

REKHA MITTAL, J.(Oral)

The applicants pray for transfer of civil suit titled **Baldev Singh and another Vs. Manjinder Singh and another** from the Court of Additional Civil Judge (Senior Division), Khadur Sahib, District Tarn Taran to a Court of competent jurisdiction at Amritsar.

The sole submission made by counsel for the applicants is that as respondent No.1/plaintiff is a practicing Advocate at Khadur Sahib at Tarn Taran, the case pending at Tarn Taran may be transferred to a Court of competent jurisdiction at Amritsar. To bring home his contention, he has highlighted the averments raised in para 5 of the application with regard to failure of a defence witness namely Gaurav Yadav to produce the record before the Court despite the case having been adjourned on number of occasions since 15.07.2017.

I have heard counsel for the applicants, perused the paper-book but find that the petition is devoid of merit and liable to be dismissed.

Reading of the averments raised in para 5 of the petition is not sufficient to record a finding that Presiding Officer of the Court has any prejudice against the petitioners creating reasonable apprehension in their mind that they will not get justice from the Court concerned. If a witness has not produced documents under the influence of respondent No.1/plaintiff, it would not make any difference if the case is dealt with by the Court at Khadur Sahib or Amritsar. In this view of the matter, contentions raised by the applicants are not well founded and liable to be rejected.

For the foregoing reasons, the application fails and is accordingly dismissed. However, the trial Court shall ensure by using process in accordance with law that the witness concerned complies with the directions of the Court without wastage of time in future.

NOVEMBER 13, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

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