

T.A.No. 979 of 2017
Date of Decision: 30.11.2017

Archana Sharma

---Applicant

versus

Ramesh Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Aman Sharma, Advocate
for the applicant**

Rekha Mittal, J.

The petitioner prays for transfer of suit No. RT 202 of 2013 from the Court of Civil Judge (Senior Division), SAS Nagar Mohali to a Court of competent jurisdiction at Chandigarh..

Counsel for the applicant has submitted that on 16.3.2017, case was pending for evidence in rebuttal and three witnesses were present before the Court but the Presiding Officer did not record their presence in the order dated 16.3.2017. Further submitted that defendant No. 4 is a Clerk in Tehsil office Mohali, and due to her interference in the proceedings, the applicant has apprehension that she will not get justice. In addition, it is argued that defendants No. 3 and 4 are the relatives of counsel representing them before the trial court.

I have heard counsel for the petitioner, perused the averments made in the application but find that there is no justifiable reason to entertain suspicion about the Presiding Officer being favourably inclined towards the respondents/defendants. This apart, if the applicant wants to

aver something against the Presiding Officer, she was required to file an appropriate application before the District Judge for transfer of the case from one court to another at Mohali. It is difficult to fathom that merely because defendant No. 4 is working as a Clerk in Tehsil office Mohali she can wield influence or interfere in the proceedings merely because counsel representing her before the trial court is her relative.

Finding no merit, the petition is dismissed.

(Rekha Mittal)
Judge

30.11.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No