

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 33 of 2018

Mahindra Tractors Agency through General Power of Attorney Holder Brijmohan Agarwal Aged About 67 Years, S/o Kalicharan Agarwal, Proprietor Ajay Kumar Agarwal S/o Brijmohan Agarwal, Aged About 41 Years, R/o Danipara, Tehsil & District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

Mahindra Gujrat Tractor Limited Registered & Head Office, Vishamiti, Near Railway Bridge, Badodara (Gujrat), Gujarat --- **Respondent**

For the applicant	:	Mr. Alok Pandey, Advocate.
For the respondent	:	Mr. Kripesh Kela, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.08.2018

1. The only prayer made in this petition is to transfer the Civil Suit No.26-B/2010 pending before the First Additional District Judge, Raigarh to any other Court on the ground that the Court of first Additional District Judge is situated at first floor and the plaintiff being a senior citizen and patient of arthritis cannot climb the stairs, therefore, the case may be transferred to any competent Court having jurisdiction which is situated in the ground floor.
2. The order rejecting the application u/s 24 read with section 151 of the Code of Civil Procedure by the District Judge purports that no documents have been filed to show that the plaintiff applicant is infirm to climb the stairs. Further it is observed that the plaintiff can very well with the help of family members go to the first floor to adduce evidence and it is a case of 8 years old, therefore, transfer of the case is not required.

3. In the opinion of this Court, looking to the nature of dispute, the limited prayer made by the applicant in the petition that the case may be transferred to any other competent Court having jurisdiction which is situated in the ground floor of the same premises can always be entertained. The plaintiff cannot be compelled by mere expectation that with the help of family members, he can reach the first floor to adduce his evidence and it is always the convenience of a party which can be considered. Therefore, it is directed that Civil Suit No.26-B/2010 pending before the First Addl. District Judge, Raigarh, shall stand transferred to any competent court having jurisdiction in the ground floor.
4. With the above observation/direction, this petition stand disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**