

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 56 of 2017**

Damrudhar Dewangan S/o Shri Ramnarayan Dewangan, aged about 30 years, Caste Kosta, Occupation Business (Carpenter work), R/o Bus Stand Sarangarh, PS & Tahsil- Sarangarh, Distt. Raigarh (C.G.).

---- Applicant

Versus

Anurodh Patel S/o Shri Rohit Kumar Patel, aged about 36 years, Caste- Agharia, R/o behind old thana Sarangarh, PS & Tahsil- Sarangarh, Distt. Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Rajendra Tripathi, Advocate
For Respondent	:	Mr. Arvind Sinha, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**05/01/2018**

1. With the consent of both the parties, the matter is heard finally.
2. This petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the applicant praying for transfer of Civil Suit No. 2-B/2016 pending before the Additional District Judge, Sarangarh, District- Raigarh to any nearby place on the ground that respondent/plaintiff is Advocate due to which no Advocate is ready to be engaged in his case and the respondent/plaintiff threatens him also.
3. Learned counsel appearing on behalf of the applicant submits that the respondent/plaintiff has preferred a civil suit, being Civil Suit No. 2-

B/2016 before the Additional District Judge, Sarangarh alleging that the applicant/defendant had borrowed a sum of Rs. 3 lakhs from the respondent/plaintiff before witnesses on 14/11/2013 and an agreement was also executed in favor of the respondent/plaintiff to refund the said amount within one year. It is further submitted that the applicant/defendant has filed written statement and denied all the averments made in the plaint and during pendency of the suit, the respondent/plaintiff also threatened him using filthy words. It is further submitted that respondent and his father is practicing as Advocates in Sarangarh Court, therefore, nobody is ready to take his case and therefore he has engaged a counsel from outside to argue his case. It is also submitted that the applicant belongs to labour class and is, therefore, not able to engage a counsel from outside. Therefore, it is prayed that the civil suit be transferred from the Court of Additional District Judge, Sarangarh, District- Raigarh to any nearby Court.

4. Per contra, learned counsel appearing on behalf of the respondent has submitted that both the parties are residents of Sarangarh itself and no threatening has been given by the respondent to the applicant. If any threatening has been given to the applicant, he may file a complaint against the respondent. It is also submitted that no reasonable ground has been shown by the applicant for transfer of the said civil suit.
5. I have heard learned counsel appearing for the parties and perused the petition and the documents annexed thereto with due care.
6. Considering the facts and circumstances of the case, particularly, the fact that both the parties are residents of Sarangarh itself, I am not

inclined to transfer the civil suit from the Court of Additional District Judge, Sarangarh to any other nearby Court.

7. Accordingly, the transfer petition is dismissed.
8. No order as to cost.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul