

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.1066 of 2018 (O&M)

Date of Decision: 16.02.2018

Smt. Sunita Prashar

....Petitioner (s)

Versus

Canara Bank & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ajay Aggarwal, Advocate
for the petitioner(s).

HARI PAL VERMA, J. (Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India for setting aside the order dated 10.01.2018 (Annexure P-1) passed by learned District Judge, Panchkula, whereby the transfer application moved by the petitioner, seeking transfer of Civil Miscellaneous Appeal No.48/2017 titled as *Canara Bank Vs. Sunita Prashar and others* from the Court of Ms. Neerja Kulwant Kalson, Additional District Judge, Panchkula to any other Court of competent jurisdiction, has been dismissed.

Learned counsel for the petitioner has argued that in a suit filed by the petitioner against the respondent-Bank, learned Civil Judge, (Junior Division), Panchkula has granted *ad interim* injunction *qua* stay of

auction of the properties of the petitioner vide order dated 20.05.2017. Aggrieved from the aforesaid order dated 20.05.2017, the respondent-Bank has preferred an appeal i.e. Civil Miscellaneous Appeal No.48/2017 titled as *Canara Bank Vs. Sunita Prashar and others*, which is pending adjudication before Ms. Neerja Kulwant Kalson, Additional District Judge, Panchkula. He has argued that the Manager of the respondent-Bank namely Rajesh Sharma had a conversation with some senior advocate in this High Court, who is closely related to the Presiding Officer and in this manner, the Bank is trying to persuade the Presiding Officer to decide the appeal in favour of the Bank and against the interest of the plaintiff-petitioner. Therefore, there is a *bona fide* apprehension in the mind of the petitioner that justice may not be delivered to her.

I have heard learned counsel for the petitioner and perused the impugned order.

No doubt a transfer application can be filed under Section 24 Code of Civil Procedure, 1908 but such application must be based on some substantive reasons or evidence. Mere apprehension in the mind of the petitioner is not sufficient to conclude that justice would not be delivered to her. Moreover, the petitioner has failed to disclose any detail of such senior advocate, who is stated to be closely related to the Presiding Officer and the Manager of the respondent-Bank had conversation.

Considering the fact that the allegations, which are levelled, are without any basis or substance and the Presiding Officer has no personal interest in the case, this Court finds that there is no illegality in the impugned order dated 10.01.2018 (Annexure P-1) passed by learned

District Judge, Panchkula. The petitioner has no right to seek transfer of her case on mere probabilities.

Accordingly, the present revision petition is dismissed.

February 16, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No