

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 151 of 2019 (O&M)

Date of decision : 15.2.2019

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Kuldip Singh and another

.....Applicants

vs.

Prabhjot Singh and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Amardeep Singh Gill, Advocate for the applicants

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H. S. Madaan, J. (Oral)

This application for transfer of Civil Appeal titled as 'Kuldip Singh and another vs. Prabhjot Singh and another', pending in the Court of Additional District Judge, Jalandhar, to any Court out of Jalandhar Division or in the State of Haryana, has been filed by plaintiff-applicants Kuldip Singh and Jarnail Singh.

In the said application, they have impleaded Prabhjot Singh and Surinder Kaur, as respondents. According to the applicant-plaintiffs, they had filed a civil suit against the defendant-respondents, for grant of permanent injunction, restraining the respondents from interfering into their possession over the land situated at village Chuharwali, Tehsil and District Jalandhar, which

was wrongly dismissed by Civil Judge (Junior Division), Jalandhar. The applicant-plaintiffs have preferred an appeal against the judgment and decree passed by the trial Court, which is pending in the Court of Mr. Ashok Kapoor, Additional District Judge, Jalandhar. That Mr. Daljinder Singh Dhillon, Senior Superintendent of Police (Vigilance), Jalandhar, is brother-in-law of respondent No1, Prabhjot Singh. Before present posting, Mr. Daljinder Singh Dhillon, was posted as Deputy Superintendent of Police, Jalandhar and Superintendent of Police at Jalandhar, as such he has got good influence in the administration of Police and in Judiciary. Respondent No.1 is openly proclaiming that by using influence of Mr. Daljinder Singh Dhillon, Senior Superintendent of Police (Vigilance), Jalandhar, with the Judicial Officers, he would get the appeal decided in his favour. The applicant-plaintiffs are apprehensive that appeal would be decided against them due to influence of Mr. Daljinder Singh Dhillon, Senior Superintendent of Police (Vigilance), Jalandhar and it be transferred out of Jalandhar division and even to some Court in Haryana.

After going through the application and hearing learned counsel for the applicants, I find that there is absolutely no merit in the application. The allegations are very general and sweeping. No person, how so ever holding a high post, can dare to interfere in the judicial proceedings. There are not specific allegations of Mr. Daljinder Singh Dhillon, having cordial relations with Additional District Judge, Jalandhar, where the appeal is pending, so as to be in a position to influence the said Judicial Officer. It is very strange that

the applicants are showing lack of faith in almost all the Judicial Officers posted in Jalandhar Sessions Division, while asking for transfer of appeal to a Court outside Jalandhar Sessions Division and rather doubting the integrity of all the Judicial Officers posted in the State of Punjab, while asking for transfer of appeal to some Court in Haryana. There is nothing on record to show that the apprehension of prejudice attributed by the applicants to Mr. Ashok Kapoor, Additional District Judge, Jalandhar and other Judicial Officers posted there, has got any solid basis.

I do not see any reason to accept the application. Therefore, the same stands dismissed.

15.2.2019
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(**H.S. Madaan**)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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