

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11654-2019 (O&M)
Date of Decision:-31.10.2019

Geeta Devi

... Petitioner

Versus

Anil Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Singh, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking transfer of complaint No.82 dated 3.10.2011 titled as 'Geeta Devi Versus Anil Kumar and others' from the Court of Sh. J.S. Khushdil, JMIC, Samrala to some other Court of competent jurisdiction at Samrala.
2. The learned counsel for the petitioner submits that the Presiding Officer, while deciding a civil suit filed by the petitioner Geeta Devi, had made some observations against the petitioner in para Nos.21 and 22 of judgment dated 21.11.2018 (Annexure P-2). The said paragraphs read as follows:

“21. Thus the plaintiff had to satisfy the Court that the ingredients of this section were applicable to her for claiming maintenance from the defendants. It is clear that the petitioner is residing away in her paternal home since 2005. Further it has also come forth that the defendant no.1 had come from Norway in the year 2004 and resided only for two months. Thus it is not plausible as to what cruelty have

been inflicted by the defendant no.1 upon the plaintiff in such short period. Further it has also been admitted that the defendant no.1 sent sponsorship to the plaintiff and filed appeal against her rejection of Visa. Further the plaintiff has deposed that in her cross-examination, she was turned out from the matrimonial home in the year 2005 which also contradicts the stand taken by her in the plaint. Moreover, the present petition/suit has been filed after a gap of almost 3 years from October 2004. This delay has not been plausible explained by the plaintiff.

22. The most important document in the present is the divorce deed dated 12.07.2001 (Ex.P6) vide which the marriage of the plaintiff and one Amit Verma had been dissolved. However, this fact was neither pleaded in the plaint nor any replication was filed to controvert the stand of the defendants. The application to lead additional evidence qua this document was filed at the fag of the trial and the same was ordered to be dismissed on 12.11.2018. No appeal/revision/stay order has been received from any quarter and it can be presumed that the said order has attained finality. Thus once this document has been intentionally withheld by the plaintiff during the entire trial for reason best known to them its legality cannot be over-sighted. Further it has also not been rebutted by the plaintiff in any manner that the marriage of the plaintiff has been dissolved at Norway on 30.06.2010 by competent Court (Ex.DW6/10).”
3. The learned counsel has submitted that since the Presiding Officer has expressed his mind while delivering judgment in the said case, therefore, he would be prejudiced, while trying the present case i.e. complaint No.82 dated 3.10.2011 and, as such, the petitioner apprehends that she would not get justice.
4. I have heard the learned counsel for the petitioner.
5. A perusal of judgment dated 21.11.2018 (Annexure P-2) shows that the same is a detailed judgment passed on the basis of the evidence led by the parties before the said Court. Needless to mention the present complaint would be

decided by the trial Court on the basis of the evidence that is led before it. The mere fact that a Presiding Officer has rendered a judgment against a party on the basis of evidence led before it in some other case cannot be interpreted to mean that he would be prejudiced against the party against whom the earlier judgment had been rendered. The judgment has been rendered on merits and the Presiding Officer cannot be said to have any interest in either of the parties. This Court does not find any valid ground to transfer the case. Finding no merit in the petition, the same is hereby dismissed.

31.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No