

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA-723-2019 (O&M)

Date of decision: 02.09.2019

Santosh Rani (since deceased) thr. LRs and others

...Applicants

Versus

Ravinder Kumar (since deceased) thr. LRs and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. B.S. Rana, Sr. Advocate with
Mr. Shvetanshu Goel, Advocate for the applicants.

H.S. MADAAN, J. (Oral)

By way of filing the present application, the applicants/appellants seek transfer of Civil Appeal No. 132 of 2015 filed by them against defendants/respondents, pending in the Court of Addl. District Judge, Kaithal (Haryana) to any other Court to the rank of District Judge or Addl. District Judge in the State of Punjab.

I have heard learned counsel for the applicants besides going through the record.

The grouse of the applicants is with regard to functioning of the Courts at Kaithal as well orders passed by the Courts on judicial side. As regard the grievances of the applicants on the administrative side, they can approach the higher authorities for redressal of such grievances and with respect to the orders passed on judicial side, they can avail of remedy as per law. Showing lack of faith in the judiciary of Kaithal Sessions Division as a whole and for that matter entire State of Haryana

in such a matter while seeking transfer of appeal to a Court outside Haryana is not proper and appropriate. Sh. Hukam Singh, Addl. District Judge, Kaithal in particular and other officers of that rank or for that matter, District Judge, Kaithal do not appear to have any personal interest in the matter or any bias against the applicants. The main grouse of the applicants appear to be against Sh. Mohinder Wadhwa, Statistical Assistant in the office of District & Sessions Judge, Kaithal. They can proceed against him on judicial as well as administrative side.

The apprehensions expressed by the applicants do not seem to have any sound and concrete basis. Withdrawal of an appeal from one Court to other Court or from one Sessions Division to the other or for that matter from one State to the other, is a very serious matter and such type of applications are to be allowed in very exceptional cases and not in routine. A litigant can certainly be not allowed to select the forum and venue for adjudication of his dispute. Hence, no such case for transfer is made out. There is no merit in the instant application. The same stands dismissed accordingly.

02.09.2019

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No