

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) TA No. 1059 of 2018 (O&M)
Date of decision : 15.2.2019

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Renu

.....Applicant

vs.

Nishi Uppal and others

.....Respondents

2) TA No. 955 of 2018 (O&M)

...

Renu and another

.....Applicants

vs.

Nishi Uppal and others

.....Respondents

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

Present: Mr. Surinder Sharma, Advocate for the applicant(s)

Mr. Bhavyadeep Walia, Advocate for respondent No.1.

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H. S. Madaan, J. (Oral)

By this order, I intend to dispose of two applications, bearing
TA-1059-2018 titled as Renu vs. Nishi Uppal and others and TA-955-
2018 titled as Renu and another vs. Nishi Uppal and others.

Applicant- Renu aged about 50 years w/o Narinder Kuimar
Malhotra r/o Kalka, District Panchkula, through her husband and

General Power of Attorney - Narinder Kumar Malhotra, as well as Narinder Kumar Malhotra, have brought the instant application (TA 1059-2018) seeking transfer of Civil Suit No. 1202/2014 titled as 'Nishi Uppal vs. Sarita Rani and others' pending in the Court of Ms. Nidhi Saini, Civil Judge (Junior Division), Patiala, to some Court of competent jurisdiction at Chandigarh or Mohali.

In the application they have impleaded Nishi Uppal and Sarita Rani, as well as Reena as respondents.

According to the applicants, plaintiff Nishi Uppal who is respondent No.1 in the present application has filed civil suit in which applicant – Renu is also one of the defendants; that plaintiff-respondent No.1 is being represented by her husband through General Power of Attorney who is an Advocate practicing at District Court, Patiala; that plaintiff No.1 and her husband have been harassing the applicant though applicant Renu is co-sharer in the property in dispute and that husband of plaintiff-respondent No.1 who is practicing Advocate at Patiala always creates nuisance, when applicant No.2 visit premises in dispute alongwith his wife and live in the house, which is in their possession. He has made several false complaints to the police to involve the applicant No.2 in criminal cases. Applicant No.2 is a Government employee and a Class I Officer in the State of Haryana. The applicant has got an apprehension that due to his influence, husband of respondent No.1 would cause harm to the applicants in District Court Patiala. Therefore, the application be accepted.

Both the applicants have filed a similar application (TA

955-2018) with regard to transfer of another civil suit titled Nishi Uppal vs. Renu and another' pending in the Court of Ms. Sudipa Kaur, Civil Judge (Junior Division), Patiala. To the Court of competent jurisdiction at Chandigarh or Mohali, on identical allegations.

The applications are being opposed on behalf of respondent No.1. Written reply has been filed in TA No.1059-2018. According to such respondent, the applicants are guilty of concealment of facts. Applicant No.1 and respondent No.1 are ladies. Transfer of civil suits sought by the applicants shall cause undue harassment and hardship to respondent No. 1, who is also a lady and it would not be possible for her to defend the case, if the same is transferred outside Patiala. The allegations levelled in the applications are refuted. It is contended that the criminal case registered against applicant No.2 is based upon true facts and the incident has been captured in the camera. Rather applicant No.2 who is husband of applicant No.1, is misusing his official position as Executive Magistrate, Jind, Haryana, addressing various complaints against respondent No.1, her mother, to various authorities including Superintendent of Police, Patiala. In the end, such respondent prayed for dismissal of the application.

I have heard learned counsel for the parties, besides going through the record and I do not find even an iota of merit in the two applications. There are number of Advocates practicing at District level. It is too much to say that a practicing Advocate at District Courts would be able to influence the Judicial proceedings, rather no body not even the practicing Advocate at a particular place can dare

to interfere in the judicial proceedings. There are no allegations that husband of plaintiff-respondent No.1 has got very close relations with the Presiding Officers, where the civil suits are pending. There is nothing on the record to point out that the Presiding Officers in question showed any favourable inclination towards the plaintiff-respondent No.1 to the detriment of the applicants. Applicant No.2 is himself a Government Officer, in State of Haryana and it could be said that he is also carrying influence but then levelling such type of allegations do not make much sense.

I do not see any ground to accept the applications for transfer of civil suits. Both the applications being without any merit stand dismissed.

15.2.2019
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(H.S. Madaan)
Judge

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