

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

TA-180-2018 (O&M)

Date of decision: 19.07.2019

Yadvarinder Singh

...Applicant

Versus

Rashpal Singh and others

...Respondent

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

Present: Mr. Vikas Singh, Advocate for the applicant.

Mr. Sukhtej Singh, Advocate for respondent No.1.

Mr. Alankar Narula, Advocate for

Mr. Prateek Gupta, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Applicant Yadvarinder Singh, wrongly described as Yadwinder Singh in the suit, by way of moving the present application, seeks transfer of civil suit filed by respondent Rashpal Singh against him and others, titled 'Rashpal Singh Vs. Yadwinder Singh and others' pending in the Court of Civil Judge (Sr. Divn.), Mansa to the Court of competent jurisdiction at Patiala.

Inter alia, in the application, it is contended that sister of the applicant, namely, Neetu Bath @ Neetu Mann was married with Jagatpreet Singh, working as Superintendent of Police, earlier posted at Barnala and now transferred to Amritsar. The relations between the spouses became strained and they are involved in litigation. Jagatpreet

Singh along with his maternal uncle Rashpal Singh, respondent had called Neetu to house of one Nirlep Singh, maternal uncle of Jagatpreet Singh in order to settle the matter and when Neetu along with her father went there, Rashpal Singh misbehaved with her taking her to a separate room, assaulted her and even tried to molest her. She was taken to hospital and medically examined. The incident was reported in the newspapers. Rashpal Singh has filed the civil suit in question, claiming damages from the present applicant and others for defaming him by allegedly making wrong allegations. The civil suit has been filed at Mansa intentionally to cause harassment and inconvenience to Neetu and the applicant. The applicant is a doctor, doing private practice. It is difficult for him to go to Mansa to contest the case. Jagatpreet Singh has lot of clout at Mansa and the applicant apprehends danger to his life, if asked to go to Mansa. Therefore, the present application be accepted.

Notice of the application was given to the respondents, however, only respondent Nos.1 & 2 put in appearance through counsel and are vehemently opposing the application, denying the allegations therein, praying for its dismissal.

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

The nature of the proceedings, sought to be got transferred is that of civil suit, where personal appearance of the parties is not

necessary. The parties can appear in those proceedings through authorized agents or Advocates. As such, no ground is made out to transfer the case. The application being without merit stands dismissed.

To address the apprehension of the applicant with regard to his safety, SSP, Mansa is directed to ensure that no physical harm is caused to the applicant or any person accompanying him to Mansa in connection with the dates of hearing in the Court there.

19.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No