

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

TA-672-2018 (O&M)

Date of decision: 18.09.2019

Sucha Singh

...Applicant

Versus

Ajmer Singh and another

...Respondents

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

Present: Mr. Paramjit Batta, Advocate for the applicant.

Mr. G.S. Punia, Sr. Advocate with
Mr. P.S. Punia, Advocate for respondent No.1.

H.S. MADAAN, J. (Oral)

This application for transfer of various cases i.e. Civil Suit No.332 of 2006 titled as 'Ajmer Singh Dhillon V/s Sucha Singh'; Civil Suit No.333 of 2006 titled as 'Ajmer Singh Dhillon V/s Sucha Singh'; Civil Suit No.160 of 2005 titled as 'Sucha Singh V/s Ajmer Singh'; Civil Suit No.568 of 2005 titled as 'Sucha Singh V/s Jaswant Singh and others'; CMA No.32 of 2015 titled as 'Sucha Singh V/s Ajmer Singh Dhillon'; Complaint No.182 of 2007 titled as 'Sucha Singh V/s Amarjit Singh'; and Complaint No.51 of 2013 titled as 'Sucha Singh V/s Amarjit Singh and others', all pending in the Judicial Courts at Samrala, District Ludhiana to the Court of competent jurisdiction in Union Territory, Chandigarh or in the State of Haryana, has been filed by applicant Sucha Singh, a Non Resident Indian, settled in USA.

According to the applicant, respondent No.1 Ajmer Singh is an influential person being brother of senior politician, namely Sh. Sharanjit Singh Dhillon, who has remained a Member of Parliament and Minister in Punjab Cabinet and in collusion with local police, administration and Presiding Officers of the Court is trying to influence the judicial proceedings, giving rise to an apprehension in the mind of the applicant that he would not get justice. Therefore, the present application be accepted.

On getting notice, respondent No.1 appeared and filed written reply, denying the allegations, praying for dismissal of the application.

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

It may be mentioned here that the applicant had filed a similar application earlier bearing No. TA-191-2018, before this Court which was dismissed, vide order dated 06.03.2018, however, the concerned Courts at Samrala were directed to expedite the disposal of the cases, which have become 12-13 years old by holding day to day proceedings. The applicant has approached the Court again, seeking similar relief. On being asked, learned counsel for the applicant has submitted that there has been change in circumstances inasmuch as on a complaint having been filed by the applicant, the matter was got probed by this Court and Enquiry Officer-cum-OSD (Vigilance) Haryana has submitted a report, coming to the conclusion that

Presiding Officer Sh. Munish Garg, Addl. Civil Judge (Sr. Divn.) Samrala while dealing with the cases of the complainant either negligently or deliberately passed contrary and wrong orders and the officer was not diligent while dealing with aforesaid cases. Copy of that report has been placed on file as Annexure P-9.

According to learned counsel for the applicant, a fresh cause of action has arisen to him to bring the application, whereas, learned counsel for respondent No.1 has contended that the cases have since been transferred from the Court of Sh. Munish Garg, Addl. Civil Judge (Sr. Divn.) Samrala to other Courts at Samrala. After hearing learned counsel for the parties, I am of the view that though the apprehension expressed by the applicant that he would not get justice from the Courts at Samrala does not have any sound basis but in view of the maxim that justice should not only be done but also appears to have been done, it would be proper and appropriate if the cases are transferred from the Courts at Samrala to a Court of competent jurisdiction at Ludhiana. Though, learned counsel for the applicant pleaded that those cases be transferred to a Court outside the State of Punjab but I do not find any merit in such contention. Accordingly, the present application is allowed. The cases in question are ordered to be withdrawn from the Courts at Samrala where they are pending and transferred to the Court of Civil Judge (Sr. Divn.), Ludhiana for disposal in accordance with law.

The parties through counsel are directed to appear in the

transferee Court on 21.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

It is directed that the transferee Court shall make earnest endeavour to dispose of the cases expeditiously, not granting adjournment except for some justifiable reasons.

18.09.2019
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(H.S. MADAAN)
JUDGE

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