

**Sr. Nos.107 and 108
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.85 of 2020 (O&M)
Date of Decision: 23.01.2020**

Amarjit Kaur and another

... Applicants

Versus

Satnam Singh and others

... Respondents

TA No.86 of 2020 (O&M)

Amarjit Kaur and another

... Applicants

Versus

Jaswant Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Amit Arora, Advocate,
for the applicants.

ARUN MONGA, J.(ORAL)

1. Applicants herein seek transfer of appeal bearing Nos.RA/4/2019 and R/5/2019 titled as “Satnam Singh Vs. Amarjit Kaur and others” and “Jaswant Singh Vs. Amarjit Kaur and others” pending before the Court of Learned Appellate Authority, Tarn Taran to any other Appellate Authority at District Tarn Taran.

2. Since vide order dated 14.10.2019, learned Appellate Authority has expressed an apprehension that it may not be able to properly discharge its duties in view of having expressed certain opinions in the course of earlier proceedings filed by the same parties, which were disposed of by the same Appellate Authority and

accordingly, it was felt that it would be in the interest of justice for the Appellate Authority to recuse itself and send the matter to the learned District Judge for marking the same to another Appellate Authority.

3. However, learned District Judge while entertaining the request of the Appellate Authority has expressed an opinion that in view of Section 17-A of the East Punjab Urban Rent Restriction Act 1949, the said power to transfer the case from one appellate authority to another appellate authority is vested with this Court and, accordingly, did not entertain the transfer of the case from one appellate authority to another appellate authority and dismissed the same.

4. In the light of of the views of the Appellate Authority as well as the opinion expressed by the learned District Judge read with Section 17-A of the Act *ibid*, transfer applications are allowed in limine as there is no requirement to issue notice to the other parties since the order passed by the Appellate Authority to recuse has not been challenged by the tenant/respondents.

5. Accordingly, present applications are allowed. The petitions in question pending before the Court of Learned Appellate Authority, Tarn Taran are ordered to be withdrawn from that Court and are transferred to the District Judge, Tarn Taran, who shall hear it himself/herself or shall assign it for hearing to another Court.

23.01.2020

vandana

Whether speaking/reasoned

Whether Reportable

(ARUN MONGA)
JUDGE

Yes/No

Yes/No