

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

CWP-3024-2020

Date of decision: 4.2.2020

Wg Cdr Sanjeev Sharma (Retd.)**.....Petitioner.****vs.****State of Punjab and others****.....Respondents.****CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR**

Present: - Petitioner in person.

.....**Sanjay Kumar, J. (ORAL)**

The grievance of the petitioner, who appears as a party -in-person, is that his suit in Civil Suit No. 747-2018, is pending before Ms. Joshica Sood, learned Civil Judge (Junior Division), SAS Nagar, Mohali, while the application filed therein by him, CM-200/2019 in CS/747/2018, has been allotted to Mr. Ravtesh Inderjit Singh, learned Civil Judge (Junior Division), SAS Nagar, Mohali. He seeks a writ of prohibition interdicting the hearing of the matters by two different learned Judges of the trial Court. However, it is seen from the record that the petitioner/party-in-person has not approached the trial Court with an appropriate application in this regard.

Without first approaching the trial Court, it is not open to the petitioner to straightway come before this Court and seek a writ of prohibition.

Be it noted that in terms of the law laid down by the Supreme Court in *Thirumala Tirupati Devasthanams and another vs. Thallappaka Ananthacharyulu and others* (2003 (8) SCC 134), the decision relied upon by the petitioner/party-in-person himself, a writ of prohibition ought to be issued only in the rarest of rare cases. Given the facts set out in the writ petition and the absence of an effort being made by the petitioner before the trial Court, this case does not qualify as the rarest of rare cases.

The writ petition is accordingly dismissed on this short ground, leaving it open to the petitioner/party-in-person to file an appropriate application before the trial Court.

Needless to state, any such application shall be considered by the trial Court on its own merits and in accordance with law.

No order as to costs.

(SANJAY KUMAR)
JUDGE

4.2.2020

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whether speaking/non speaking	yes
whether reportable/non reportable	yes/no