

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

202

**Transfer Application No.380 of 2020**

**Date of Decision: 09.10.2020**

**UCO Bank and others**

**..... Petitioners**

**Versus**

**Sukhminder Singh**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Nonish Kumar, Advocate,  
for the petitioners.

Mr. H.S. Brar, Advocate,  
for the respondent.

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**AMOL RATTAN SINGH, J. (ORAL)**

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By the petition, the petitioners seek transfer of Civil Suit no.168 of 2020 (titled as Sukhminder Singh v. UCO Bank and others) from Kapurthala to the competent court of jurisdiction at Jalandhar, or any other district except the court at Kapurthala.

On the last date of hearing, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Notice of motion having been issued on the last date of hearing, Mr. Brar, learned counsel appearing for the respondent, submits that in fact even the charge sheet, which is also subject matter of the civil suit filed by the petitioner, was served upon him in Kapurthala, with his bank account in the applicant Bank having been also frozen in

Kapurthala and therefore, at least part of the cause of action would definitely arise in Kapurthala, and consequently there would be no reason to transfer the matter to either Jalandhar or to Katra (J&K).

Learned counsel for the petitioner bank, on the other hand, submits that in fact the entire litigation can come to an end if the petitioner is willing to pay Rs.2,00,000/- to get relieved from the bank, with his resignation already having been accepted, though of course pursuant to the charge sheet issued, a punishment of a censure has been awarded to him.

Learned counsel for the respondent would take instructions in that regard, with learned counsel for the petitioner to address arguments as to why, if the respondent does not agree to the aforesaid terms, this court should transfer the matter from Kapurthala, with, at least *prima facie* at this stage, part of the cause of action seeming to have arisen in Kapurthala.

It is to be specifically noticed that one of the arguments of learned counsel for the petitioner is that no counsel on the panel of the Bank is willing to go to Kapurthala to argue the matter.

To say the least, that is hardly an argument which is sustainable because obviously, if no counsel wishes to go from Jalandhar to Kapurthala, the Bank would always be at liberty to either appear in person through one of its officers, or to engage a lawyer in Kapurthala.

Adjourned to 09.10.2020.”

Today, Mr. Brar submits that he has taken instructions that since the petitioner is aggrieved of the action of the bank, he is not willing to pay Rs.2,00,000/- to get relieved from the bank and would like to further pursue the matter at Kapurthala.

That being so, for the reasons already given in the last order, to the effect that simply because the bank does not have a standing counsel in Kapurthala, it cannot seek transfer of the case from Kapurthala to either Jalandhar

or Katra (J&K), this petition would not be entertainable at all.

As regards no cause of action arising in Kapurthala, the contention of learned counsel for the respondent was already recorded on the last date of hearing, to the effect that the charge sheet issued by the applicant bank was served on him in Kapurthala, with in fact even his bank account in the applicant bank itself, having been also frozen in Kapurthala.

The aforesaid facts have not been refuted by learned counsel for the applicant bank.

That being so, in my opinion with even the respondents' bank account having been frozen in Kapurthala, at least part of the cause of action would arise in Kapurthala, and consequently I see no reason for transfer of the suit filed by the respondent to any other place on that ground also.

Hence, finding no merit in this application, it is dismissed.

It is to be observed here that though learned counsel for the respondent has also raised some arguments on how the respondent was harassed by the applicant bank (as alleged), however, no comment is required to be made by this court on that contention, in view of the fact that it is only an application seeking a transfer of the suit filed by the respondent.

Obviously, the suit would be decided wholly on its own merits in terms of the evidence led before the trial court.

**October 09, 2020**  
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**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes  
No