

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

Sr. No.106

CRM-M-28234-2020

DATE OF DECISION: 17.09.2020

MOHINDER SINGH

..PETITIONER

VERSUS

ANITA DEVI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Aakash Juneja, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

This petition has been filed for setting aside order dated 31.08.2020 (Annexure P-1) whereby the application of the petitioner for transfer of the case from one court to another court within the same Sessions Division has been rejected.

Learned counsel for the petitioner argues that the Judge before whom a complaint filed by the complainant/wife under the Domestic Violence Act, 2005, is pending, is biased and thus, the matter deserves to be transferred to another court. The learned Sessions Judge has erred in not allowing the transfer application.

To support his submissions, learned counsel for the petitioner submits that the petitioner was proceeded against ex parte even though there was a report that he was not residing at the address given in the complaint.

CRM-M-28234-2020

Moreover, when the petitioner appeared in the court for setting aside the ex parte order, the counsel for the respondent/wife who is the President of the District Bar Association, Yamunanagar, told the petitioner while coming out of the court that he is close to the Judge and will get the case decided in his favour.

While passing order dated 31.08.2020, the learned Sessions Judge has returned a finding that the orders passed by the concerned court do not reflect prejudice or bias and that the petitioner himself was to blame for not appearing in the court as he had refused to receive the summons. Learned counsel for the petitioner has failed to show that the said finding is erroneous. Merely because a lawyer proclaimed outside the court that he is close to a particular Judge, it cannot be held that the concerned Judge is biased. If such arguments were to be accepted, all Judges would be exposed to the allegation of bias based upon the statements of lawyers made outside the court.

In view of the above reasons, I do not find any merit in this petition and the same is dismissed.

17.09.2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No