

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

CR-413-2021 (O&M)
Date of decision : 24.08.2022

Pawan Kumar

... Petitioner(s)

Versus

H.P.S. Institution Pvt. Ltd. & Anr.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.P. Sharma, Advocate for the petitioner.

Mr. Munish Gupta, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 22.01.2021 (Annexure P-1) passed by the District Judge, Narnaul whereby it has been directed that the case be transferred from the Court of Shri Ashok Kumar, Civil Judge (Junior Division), Narnaul to the Court of Civil Judge (Senior Division), Narnaul.

Learned counsel for the petitioner would contend that the petitioner had sought the transfer of the case from the Court of Shri Ashok Kumar, Civil Judge (Junior Division), Narnaul on the ground that the plaintiff/respondent No.1-HPS Institution Pvt. Ltd. was running a school in the name and style of H.P.S. Junior School in Narnaul and the child of the Judicial Officer was studying in the said school at Narnaul. It is further the

allegation that the Judicial Officer had been present as a Guest in the Annual Function at H.P.S. Junior School, Narnaul. Learned counsel for the petitioner has candidly admitted that though the application has been allowed and the case had been transferred from the Court of Shri Ashok Kumar, Civil Judge (Junior Division), Narnaul to the Court of Civil Judge (Senior Division) Narnaul, however he contends that the same should be transferred to either Mahendergarh or Kanina since the plaintiff-respondent in the present case is an influential party.

Learned counsel for the respondent No.1 states that not only the application has been allowed, the Judicial Officer has also since been transferred from Narnaul and hence the present petition is infructuous.

Heard.

In the present case the application filed by the petitioner stands allowed and the matter stands transferred to the Court of Civil Judge (Senior Division), Narnaul. The allegations now made by learned counsel for the petitioner are totally vague. The unsubstantiated allegation made by learned counsel is that the plaintiff-respondent No.1 in the present case is an influential party and, hence, the case should be transferred out of District Narnaul. The District Judge, Narnaul cannot transfer the suit out of his District. Further, bald allegations can hardly be a ground for transfer and such like allegations are neither appreciated nor called for especially when they are totally unsubstantiated. Merely because of an allegation that a party is influential in an area would not give a handle to the other party to cast aspersions on the Judicial Officers.

In view of the above I do not find any merit in the present revision petition and the same is accordingly dismissed with costs of Rs.5,000/- to be paid to the Punjab and Haryana High Court Legal Services Committee. Pending applications, if any, also stand disposed off.

Dismissed.

**(ALKA SARIN)
JUDGE**

24.08.2022

Yogesh Sharma

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO