

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

**TA No.240 of 2021 (O&M)
Date of decision: 25.08.2022**

Mehandi Mac Trade Pvt. Ltd. and another

....Petitioners

Versus

Sunil Setia and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Punia, Advocate
for the petitioners.

Mr. Piyush Setia, Advocate
for respondent No.1.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the Civil Appeal No.120 dated 20.12.2019 titled as "Mehandi Mac Trade Pvt. Ltd. and others vs Sunil Setia and others", pending in the Family Court, Fazilka to any other competent Court of jurisdiction within the State of Punjab.

The only argument raised by counsel for the petitioners is that since the brother of the respondent/plaintiff is a practicing Advocate and he remained President of the District Bar Association, Fazilka and therefore, no Advocate is accepting the brief on his behalf and the petitioner has to bring an Advocate from Ludhiana on each and every date of hearing.

Counsel for the parties are *ad idem* that the present appeal be transferred to the court of District & Sessions Judge, Bathinda and a direction may also be issued to the Court concerned where the appeal is to be transferred that it will make all endeavour to decide the appeal within a period of 03 months.

Accordingly, the present petition is allowed subject to the following conditions:-

1. *The Civil Appeal No.120 dated 20.12.2019 titled as "Mehandi Mac Trade Pvt. Ltd. and others vs Sunil Setia and others", pending before the Family Court, Fazilka will be transferred to the competent Court of jurisdiction at Bathinda.*
2. *The District Judge, Bathinda, will assign the said appeal to the competent Court of jurisdiction.*
3. *The Additional District Judge, Fazilka is directed to transfer all the record pertaining to the aforesaid case to District Judge, Bathinda.*
4. *The parties are directed to appear before the trial Court, Bathinda, within a period of 01 month from today.*
5. *The Court concerned, Bathinda will make all endeavour to decide the appeal within a period of 03 months.*
6. *The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

25.08.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No