

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2806-2022

DATE OF DECISION: AUGUST 24, 2022

KARNAIL SINGH

...PETITIONER

VERSUS

SHRI AJIT SINGH & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. HARDEEP SINGH DHILLON, ADVOCATE
FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

This revision petition has been filed under Article 227 Constitution of India by the petitioner(plaintiff) being aggrieved against the order dated 6.7.2022, whereby the District Judge, Kurukshetra has dismissed his application for transfer of his suit bearing No.176/2017 as well as the contempt petition bearing No.36/2016 pending in the Court of Civil Judge (Jr. Divn.), Pehowa.

Learned counsel for the petitioner has argued that the petitioner (plaintiff) filed a suit for permanent injunction against respondent No.1 on 11.5.1997 and thereafter the petitioner was falsely implicated in case FIR No.0268 dated 17.5.2017, under Section 147, 149, 447, 506 IPC, Police Station Pehowa, on the basis of complaint by respondent No.1 Ajit Singh. He submits that the said prosecution case ended in conviction of the petitioner recorded by the Presiding Officer, before whom the present suit is pending for adjudication. He submits that since the Presiding Officer has already given his mind against the petitioner, therefore, the suit proceedings

as well as the contempt arising out of violation of interim injunction order deserve to be transferred to some other Court of competent jurisdiction.

After hearing the learned counsel and considering the above background, this Court finds that the prosecution of the petitioner was based upon different complaint and his conviction was recorded after evaluating the prosecution evidence in the said case. Merely because the conviction of the petitioner was recorded by the same Presiding Officer who is presently seized of the civil suit would not be a valid ground to accept the prayer of the petitioner, and this ground for transfer of the civil suit is misplaced. Apparently, the District Judge, Kurukshetra has carefully examined the application for transfer moved by the petitioner and has rightly declined to exercise the jurisdiction.

Thus, the impugned order does not suffer from any illegality of impropriety. Resultantly, no interference is warranted by this Court.

Dismissed.

August 24, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No