

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA 438/2020 ,
TA 437/2020 and
TA 1015/2021

Date of decision:06/12/2022

Teeka Ram @ Tekchand

.....Petitioner.

Vs.

Raghu Nandan @ Ruggi

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Teeka Ram @ Tekchand, Advocate/ petitioner in person
for the petitioner(s)

Mr.Ashok Kaushik, Advocate for the respondents.

Nidhi Gupta, J.

1. This common order shall dispose of TA No.437 and 438 of 2020 as well as TA No.1015 of 2021 as the parties involved therein are the same and the relief sought therein is identical, which fact is not denied by the counsel for the parties.
2. In TA No.437 of 2020 petitioner Teeka Ram @ Tekchand is seeking transfer of contempt suit titled as “Raghu Nandan @ Ruggi v/s Teeka Ram @ Tekchand and Ors” from the Court of CJ(JD), Hodal to any Court of competent jurisdiction at Gurugram.
3. In TA No.438 of 2020 again Teeka Ram @ Tekchand is seeking transfer of Civil Suit No.375/2020 titled as “Raghu Nandan @ Ruggi v/s Teeka Ram @ Tekchand” from the Court of CJ(JD), Hodal to any Court of competent jurisdiction at Gurugram.

4. In TA No.1015 of 2021 Ram Kumar @ Kallu brother of aforesaid Teeka Ram @ Tekchand is seeking transfer of CS No.5/2019 PS Hassanpur, District Palwal from the Court of AC 2nd Grade, Hassanpur, District Palwal to any Court of competent jurisdiction at Gurugram.

5. It is thus evident that petitioners in these three transfer applications are brothers and seek transfer of aforesaid cases from Hodal to District Gurugram. In all these three cases Raghunandan @ Ruggi another brother of the petitioners is contesting respondent.

6. For the sake of convenience and with the consent of the counsel for the parties, facts are being noticed from TA No.438 of 2020.

7. In sum and substance the allegation of the petitioners in all these three cases is that respondent Raghu Nandan @ Ruggi is a hot headed person and wields influence upon the local police/Courts as a result of which a threat is perceived to the life of the petitioners due to which they are unable to pursue aforesaid cases pending in the Courts at Hodal. Primarily the dispute between the brothers is regarding their ancestral property and according to the petitioners, earlier also Tek Chand Sharma-petitioner herein, in similar circumstances had filed TA No.267 of 2016 seeking transfer of as many as seven cases from Palwal to Gurugram. This Court vide order dated 23.01.2017 (Annexure P-4) in TA No.438 of 2020, had allowed the said transfer application. Accordingly, it is prayed that the cases mentioned in paras 2 to 4 hereinabove be transferred from Courts at Hodal to District Gurugram.

8. On the other hand, learned counsel for the respondents submits that the allegations made by the petitioners are concocted and there is no threat to their lives at the hands of respondent-Raghu Nandan @ Ruggi.

9. Heard learned counsel for the parties.

10. Keeping in view the long list of litigation already pending between the parties at Gurugram; apprehension expressed by the petitioners in the aforesaid transfer applications, as well as order dated 23.01.2017 (Annexure P-4) passed by a Co-ordinate Bench of this Court in earlier TA267/2016, decided on 23.1.2017, I deem it appropriate to allow these

transfer applications and transfer the cases mentioned in paras 2 to 4 from the Courts at Hodal to District Gurugram.

11. Ordered accordingly.
12. District Judge, Palwal is directed to send complete record of the aforesaid cases mentioned in these transfer applications to learned District Judge, Gurugram within one month from the date of receipt of certified copy of this order.
13. District Judge, Gurugram is directed to assign the aforesaid cases to Courts of competent jurisdiction for an early decision in accordance with law.
14. Parties through their counsel are directed to appear before the District Judge, Gurugram on 16.01.2023 for further proceedings in accordance with law.
15. A copy of this order be placed on the files of connected cases.

06.12.2022
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No