

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 121

Civil Revision No.4552 of 2022 (O & M)
Date of Decision: *October 18, 2022*

Lt. Col. (Retd.) Shri Prakssh @ S. Prakash

..... PETITIONER(S)

VERSUS

Arun Kumar Arora & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Sanjay Verma, Advocate, for the petitioner.

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Tribhuvan Dahiya, J (Oral)

This is a revision petition under Article 227 of the Constitution of India for setting aside order dated 24.08.2022 (Annexure P-8), whereby the petitioner-defendant's application for transfer of the civil suit pending in the Court of Shri Vikrant, Civil Judge (Junior Division), Gurugram, to any other Court, has been dismissed.

Learned counsel for the petitioner contends that transfer of the suit has been sought on account of the fact that learned Civil Judge has not disposed of the miscellaneous applications filed before

him by the defendant. The details of the applications have been given in Para 5 of the impugned order which are as under:

- b) Disposal of application dated 16.5.2016 under section 340 Cr.P.C. for forged notarization of the agreement to sell and application dated 6.5.2019 under section 340 Cr.P.C. read with section 209 IPC for initiating action against plaintiff for making false statements under oath;
- c) Pending examination of parties under Order 10 Rules 1 & 2 which was to be conducted at the very first hearing after completion of pleadings on 31.1.2019 and consequences thereof under Order 10 Rule 4 CPC as the plaintiff did not appear for this purpose;
- d) Disposal of the pending application dated 18.1.2020 for framing of additional issues which is not being taken up by the Court;

Mere filing of the application(s) during pendency of the suit and its not being disposed of finally by the trial Court is no ground to seek transfer of the suit. Besides, it is not disputed by learned counsel that the trial Court has ordered these applications to be decided at the time of final hearing of the suit. It is also not disputed that the petitioner-defendant has already approached this Court by filing *Civil Revision No.4119 of 2022* impugning the orders passed by the trial Court on the aforementioned applications.

In view of the above, no ground to interfere with the impugned order is made out.

Dismissed.

Since the main petition stands decided, pending applications, if any, are disposed of as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

October 18, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No