

CR-2260-2023(O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2260-2023(O&M)

Date of decision:-17.4.2023

Aayush Munjal and another

...Petitioners

Versus

Ashima Munjal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Akshay Bhan, Sr.Advocate with
Mr.Aayush Gupta, Advocate
for the petitioners.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 1.4.2023 passed by District Judge, Ludhiana vide which he had accepted an application brought by applicant – Ashima Munjal for transfer of civil suit filed by her against Mahesh Chander Munjal and others pending in the Court of Ms.Ambika Sharma, Civil Judge (Jr.Divn.), Ludhiana , in the process transferring the case in question to the Court of Sh.Shaminder Pal Singh, Civil Judge (Jr.Divn.), Ludhiana.

2. Briefly stated, facts of the case are that applicant/plaintiff Ashima Munjal had sought transfer of the civil suit alleging that opposite party was openly declaring that they had ensured that no order was passed in favour of the applicant/plaintiff and further the trial Court had been granting frequent adjournments for arguments, in that way, the plaintiff has lost confidence in the trial Court.

CR-2260-2023(O&M)

-2-

3. On being put to notice of this application, defendants No.2 & 3 and defendants No.1, 5 to 7 had appeared through counsel and contested the application contending that the purpose of filing of the application was to overawe the Court and it was an attempt of bench hunting. The allegations in the application were controverted vehemently and rejection of the prayer for the transfer of the case was sought for.

4. After hearing arguments, learned District Judge, Ludhiana vide the impugned order had allowed the application. For ready reference, the operative para No.6 of the order is being reproduced as under:

6. Although, there is nothing on record to substantiate the allegations leveled by the applicant in the transfer application, yet in order to maintain faith of litigants and to allay the apprehension of the applicant, the transfer application is allowed and the above mentioned civil suit is hereby withdrawn from the Court of Ms.Ambika Sharma, Ld. CJJD, Ludhiana and is transferred to the Court of Sh. Shaminder Pal Singh, Ld. CJJD, Ludhiana, for its disposal in accordance with law, where the parties are directed to appear on the date already fixed. Copy of this order be sent to the Courts concerned for compliance. File be consigned to the record room.

5. Such order left the defendants No.2 and 3 aggrieved and they have approached this Court by way of filing the present revision petition praying that the impugned order passed by District Judge, Ludhiana be set aside and transfer application be dismissed.

CR-2260-2023(O&M)

-3-

6. I have heard learned counsel for the petitioners besides going through the record and I find that there is absolutely no merit in the revision petition.

7. It is to be taken note of that though in the transfer application, the applicant had levelled certain allegations against the conduct and working of the Presiding Officer but then learned District Judge had obtained her comments also, wherein she had denied the allegations though submitted that she had no objection, if the case was transferred from her Court. Learned District Judge, Ludhiana was very much clear in observing that there was nothing on record to substantiate the allegations levelled by the applicant in the transfer application, therefore, no stigma has been cast on the work and conduct of the Presiding Officer. However, learned District Judge, Ludhiana found it proper and appropriate to transfer the case to another Court of competent jurisdiction to allay the apprehension of applicant, though the same could be unfounded and without any basis. There is no reason for defendants/revision petitioners to feel aggrieved by this order. There is nothing on record to show that Sh.Shaminder Pal Singh, Civil Judge (Jr.Divn.), Ludhiana to whose Court the case has been transferred has got any prejudice or grudge against the revision petitioners/defendants, which may come in the way of dispensing justice to the parties.

8. With regard to the judgments i.e. **Kulwinder Kaur alias Kulwinder Versus Kandi Friends Education Trust and others, (2008) 3 Supreme Court Cases 659** and **Anupam Ghosh and another Versus Faiz**

CR-2260-2023(O&M)

-4-

Mohammed and others, Transfer Petition(C) Nos.2331-2334 of 2021 by the Apex Court, referred to by learned counsel for the petitioners, the same are not applicable to the present case due to different facts and circumstances of the case and the context in which such observations had been made.

9. The impugned order passed by the District Judge, Ludhiana is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

10. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

17.4.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No