

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

**1. Sumer Chand** **CRM-M-32100-2018**  
**.....Petitioner**

**versus**

**Virender Kumar** ..... Respondent

**2. Sumer Chand** **CRM-M-10325-2019**  
**.....Petitioner**

**versus**

**Raj Pal** **.....Respondent**

**3. Sumer Chand** **CRM-M-31958-2018 (O&M)**  
**.....Petitioner**

**versus**

**Mahinder Singh** .....Respondent

**Date of decision : 14.03.2023**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**  
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Present :- Mr. Krishan Singh, Advocate  
for the petitioner.

Mr. Rajender Kumar, Advocate  
for the respondent.

**RAJESH BHARDWAJ, J. (Oral)**

This order will dispose of abovesaid three petitions.

These petitions have been filed under Section 407 Cr.P.C. for transfer of Petitions No.NACT/1871/2017 titled as Virender Kumar Vs. Sumar Chand dated 07.02.2018, NACT/726/2018 titled as Raj Pal Vs. Sumar Chand dated 28.05.2018, NACT/1272/2017 dated 31.10.2017 titled as Mahinder Singh Vs. Sumar Chand, under Section 138 of Negotiable Instruments Act from the Court of Judicial Magistrate Ist Class, Kurukshetra to the competent Court of District and Sessions Judge, Yamuna Nagar.

It has been contended by counsel for the petitioner that the petitioner is an elderly man of 80 years of age and he belongs to Yamuna Nagar. It is comfortable for him to pursue the cases at Yamuna Nagar. He has submitted that there are other litigations pending between the parties at Yamuna Nagar.

Learned counsel for the respondent has opposed the submissions made by counsel for the petitioner. He has submitted that the dispute between both the sides pertains to sale of land for which the petitioner entered into agreement to sell with the respondents. He has submitted that though the petitioner at one stage entered into compromise also but the same was not honoured and hence, the respondents were left with no other alternative than to file the complaints at Kurukshetra. He submits that the other litigations pertaining to the civil suit have also been filed by the respondents at Yamuna Nagar as the jurisdiction was of the Court at Yamuna Nagar.

Learned counsel for the petitioner after arguing for some time fairly submits that the main grievance of the petitioner for transferring the complaints to Yamuna Nagar is because of his advanced age and ill health. He has submitted that keeping in view the age and health condition of the petitioner, he be granted exemption from his personal appearance before the learned trial Court at Kurukshetra.

Learned counsel for the respondent though does not oppose the grant of personal exemption to the petitioner, however, he submits that at the stage of recording of evidence, the presence of the petitioner be secured.

After hearing counsel for both the sides and perusing the record, this Court is of the opinion that the request made by counsel for the petitioner is genuine. Both counsel for the parties are *ad idem* that the petitioner can be granted exemption from personal appearance before the Court below. Keeping in view the abovesaid fact, the present petitions are disposed of with the direction to learned trial Court to consider the application sympathetically if filed by the petitioner for grant of exemption from his personal appearance during trial. The trial Court is free to impose any condition which it likes, in case it allows the same.

Learned trial Court would be at liberty to direct the presence of the petitioner as and when required.

Disposed of in the abovesaid terms.

( RAJESH BHARDWAJ )  
JUDGE

14.03.2023  
*m. sharma*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No