

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA 460/2023

Date of decision:17/04/2023

Rati Ram

.....Petitioner.

Vs.

Bijender Singh and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Sushil Sheoran, Advocate for the petitioner.

Nidhi Gupta, J.

Petitioner/plaintiff by way of this Transfer Application is seeking transfer of Civil Suit No.721/2022 titled Rati Ram v Bijender Singh and others (Annexure P-1), for permanent injunction and for restraining the defendants/respondents from lifting sand and changing the nature of the suit land. as detailed in head note of Annexure P-1, from the Court of Sh. Sandeep Yadav, ACJ(SD) Charkhi Dadri to any other court of competent jurisdiction at Charkhi Dadri.

The ground on which the transfer is sought that the trial Court has so far not decided the application under Order 39 Rules 1 and 2 filed along with the suit on 13.7.2022 and as such the petitioner is “having apprehension not to get the justice”.

Ld. counsel for the petitioner states that in view of the apprehension of the petitioner, the civil suit in question, be transferred to some other court of competent jurisdiction.

Heard ld. counsel.

A perusal of the paper book reveals that the petitioner had already filed a Transfer Application before the District Judge, Bhiwani vide TA/86/2022 with the same averments and the said application was dismissed vide order dated 22.12.2022 (Annexure P-2) by observing therein that “ The apprehension of not getting a fair and impartial justice is required to be reasonable and not imaginary, based on conjectures and surmises. A prayer for transfer is ought to be allowed only when there is a well substantiated apprehension that justice will not be dispensed impartially, objectively and without any bias”. It is further observed therein that there is nothing on record to suggest that ld. Presiding Officer adjourned the case intentionally. Moreover, the learned District Judge has already directed the Court concerned to expeditiously dispose of the stay application in accordance with law.

In this view of the matter, I do not find any ground to interfere in the present Transfer Application and the same is hereby dismissed.

17/04/2023
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No