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

CM-20493-CWP-2022 in/and
CWP-13870-2022 (O&M)
Date of decision : 20.02.2023

Ratan Lal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rakesh Dhiman, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Manpreet Singh Kanda, Advocate
for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

CM-20493-CWP-2022

This is an application filed under Section 151 of CPC for preponement of the date of hearing in the main case from 22.05.2023 to some early date.

Learned counsel for applicant/respondent Nos.2 and 3 has moved the present application on the averments that the main grievance of the petitioner was that the case has been transferred from the Court of SDO (N)-cum-Collector, Gurgaon to the Court of SDO(N)-cum-Collector Badshahpur and applicant/respondent Nos.2 and 3 have no objection in case

the matter is transferred back to the Court of SDO(N)-cum-Collector, District Gurgaon. It is further submitted that the main case is now listed for 22.05.2023 and the date of hearing in the same be preponed from 22.05.2023 to today itself for final disposal.

Learned counsel for the petitioner has stated that he has no objection in case, the present application is allowed and the date of hearing in the main case is preponed from 22.05.2023 to today.

In view of the above, the present application is allowed and the date of hearing in the main case is preponed from 22.05.2023 to today and the same is taken on Board today itself for final disposal.

Main case

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ especially in the nature of certiorari for quashing/modifying the order of transfer of the partition case from the Court of SDO(N)-cum-Collector, Gurgaon to the Court of SDO (N)-cum-Collector, Badshahpur dated 03.06.2022 (Annexure P-3).

Learned counsel for the petitioner has submitted that on the application moved by respondent No.2, the case was transferred from the Court of SDO(N)-cum-Collector, Gurgaon to the Court of SDO(N)-cum-Collector, Badshahpur on the same day without hearing the petitioner or any other co-sharers.

Learned counsel appearing on behalf of contesting respondent Nos.2 and 3 has submitted that he has no objection in case, impugned order dated 03.06.2022 (Annexure P-3) is set aside and the case is transferred

back to the Court of SDO(N)-cum-Collector, Gurgaon.

Learned State Counsel has submitted that he has also no objection in case, the matter is sent back to the Court of SDO(N)-cum-Collector, Gurgaon for decision.

Keeping in view the abovesaid facts and circumstances more so, consent between learned counsel for the petitioner and respondent Nos.2 and 3, order dated 03.06.2022 (Annexure P-3) is set aside and the case is transferred back to the Court of Sub Divisional Officer(N)-cum-Collector, Gurgaon.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

20.02.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No