

105-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3743 of 2022

Date of Decision: 27.02.2023

Dayanand

...Petitioner

Versus

Rewti @ Rawti and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

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MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision-petition, the petitioner has laid challenge to the order dated 23.08.2022 passed by learned District Judge, Narnaul, whereby the application preferred by respondent No.1 for seeking the transfer of ***Civil Suit No.2322 of 2013***, pending in the Court of learned Civil Judge (Junior Division), Mohindergarh, to some Competent Court at Kanina or Narnaul, has been allowed and the said Civil Suit has been transferred to the Court of learned Civil Judge (Senior Division), Narnaul, for its disposal, in accordance with law.

2. I have heard learned counsel for the petitioner in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner contends that the impugned order has been passed without dealing with the contentions/pleas as raised

by the parties in their respective pleadings and therefore, the same is not legally sustainable and deserves to be set-aside.

4. A perusal of the impugned order reveals that learned District Judge has made the following observations in para No.3 therein:-

“3. Heard on the transfer application. Without going into the allegations, at this stage, keeping in view the interest of justice it would be just and appropriate if the case is transferred from Mohindergarh to Narnaul. The transfer application stands allowed. The Civil Suit titled as ‘Smt. Rewati @ Rawati Versus Satyapal deceased through legal representatives etc. pending in the court of Shri Manjeet Pal, learned Civil Judge (Jr. Division), Mohindergarh stands withdrawn from his Court and transferred to the Court of Ms. Arya Sharma, learned Civil Judge (Sr. Division), Narnaul for disposal in accordance with law. Copy of this order be sent to both the courts for information and compliance. Transfer application be consigned to the Record room after due compliance.”

5. From the above-quoted contents of the impugned order, it becomes crystal clear that learned District Judge has transferred the afore-referred Civil Suit without discussing or dealing with the averments made by respondent No.1 in her application and the pleas taken by the petitioner in his reply to the same.

6. Resultantly, without issuing the notice to the respondents so as to avoid any further delay in the trial of the said Civil Suit and also to avert the expenses that they (respondents) may have to incur to defend in this

revision petition, the impugned order dated 23.08.2022 is set-aside and the matter is remanded to learned District Judge, Narnaul with the direction to decide the Transfer Application moved by respondent No.1 while passing a speaking order, in accordance with law, after hearing both the parties afresh. The matter be put up before the said Court on 16.03.2023.

7. It is also further clarified that in case the respondents feel aggrieved by this order, they shall be at liberty to move an appropriate application to contest the instant revision petition.

8. The revision petition in hand stands disposed of accordingly.

27.02.2023

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*