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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CR-535-2024 (O&M)

Date of Decision: 31.01.2024.

Vikas Taneja

...Petitioner.

Versus

Major Ajay Pal Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner has challenged order dated 23.01.2024 (Annexure P-1) passed by learned trial Court, vide which the application (TA-23-2023) moved by the petitioner for transfer of Civil Suit No.149 dated 28.11.2019, pending in the Court of Civil Judge (Senior Division) Tarn Taran, to some other Court has been dismissed.

2. The brief facts relevant for disposing of this revision petition as alleged in the revision petition are that the petitioner is the defendant in the civil suit which had been filed by the respondent/ plaintiff in the present case seeking possession by way of specific performance of the agreement to sell dated 30.04.2012. The petitioner appeared before the learned trial Court and filed his written statement alleging that the said agreement to sell was a

result of fraud and was not binding upon the petitioner. The trial Court framed the issues and started recording the evidence. Sufficient number of opportunities were availed by the respondent to conclude his evidence and after closing of the respondent's evidence, he moved an application under Section 151 CPC for leading additional evidence which was allowed by the trial Court vide order dated 06.07.2019. Then petitioner moved an application for framing of additional issues under Order 14 Rule 5 CPC which was partly allowed. Thereafter, another application was moved by the respondent for leading additional evidence and the said application was allowed by the trial Court without imposing any cost. But a similar application moved by the petitioner for seeking permission to lead additional evidence was allowed subject to cost of Rs.2,000/-. After addressal of arguments, the case remained pending for rebuttal evidence which was not led by the respondent, but respondent is being allowed to delay the matter without any reason. The petitioner had submitted the written arguments and the learned trial Court granted opportunities to the respondent/ plaintiff for submitting his reply to the said arguments, whereas there is no such provision under law for the same. It has been alleged that as trial Court was acting in a biased manner and was granting unfair advantage to the respondent, so the petitioner moved a transfer application before the learned District Judge for transfer of the civil suit to some other Court of competent jurisdiction. But the said application had been dismissed by the District Judge by way of a perverse order dated 23.01.2024.

3. Aggrieved by the impugned order dated 23.01.2024, the present

revision petition has been filed.

4. Learned counsel for the petitioner, in his contentions, raised the similar pleas as averred in the revision petition and has prayed that the present revision petition may be accepted and the impugned order dated 23.01.2024 passed by learned District judge may be set aside.

5. I have heard learned counsel for the petitioner and have gone through the relevant record.

6. The perusal of the impugned order reveals that all these contentions which have been raised in the revision petition were also raised before learned District Judge, Tarn Taran, in the Transfer Application No.23/2023 and all these contentions had been dealt with in detail one by one, by the learned District Judge after going through the record requisitioned from the Court of Civil Judge (Senior Division).

7. All the grievances of the petitioner are relating to the judicial orders that have been passed by the trial Court from time to time, in the suit pending before it. So if the petitioner was not satisfied with the judicial orders passed by the trial Court, then the petitioner could have easily availed the legal remedy as per law. From the record, it is also made out that regarding some judicial orders against which the petitioner was having the grievances, he had availed his legal remedy and the order of the trial Court was upheld by this Court. The revision petition filed before this Court against non framing of the two additional proposed issues, was disposed of by this Court, with the observation, that there was no necessity of said proposed two additional issues, as these were covered under the issues

already framed by the trial Court.

8. The judicial orders that have been passed by the Court concerned and the adjournments which have been granted by the trial Court do not imply bias or prejudice in favour of the respondent/ plaintiff on the part of the Court. Rather, it appears that the trial Court had been entertaining interlocutory applications being filed by both the parties and has disposed of the same by passing speaking judicial orders. Though costs have been imposed by the trial Court while allowing additional evidence of the petitioner and no costs has been imposed while allowing additional evidence by the plaintiff/ respondent, yet it does not lead to any such inference that approach of the Court is biased. If opportunity has been granted by the trial Court to the plaintiff to file reply to the written submissions given by the petitioner, then also it is in the interest of justice that the fair opportunity be granted to the other party to meet out the contentions raised by the petitioner. As no concrete reason has been given in transfer application for transferring the case to some other Court, so the transfer application has been rightly dismissed by the learned District Judge vide the impugned order dated 23.01.2024.

9. Learned counsel for the petitioner has placed reliance upon the judgment of Hon'ble Supreme Court in **Kulwinder Kaur @ Kulwinder Gurcharan Singh Vs. Kandi Friends Education Trust and others, 2008(1) R.C.R (Civil) 821.** But it is of no help to him being not applicable to the facts of the case in hand. There is nothing on record from which it can be made out that the petitioner is not likely to have fair trial in the Court from

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which he seeks transfer of the case.

10. Thus, there being no illegality or infirmity in the impugned order and no interference therewith is called for, while exercising the revisional jurisdiction. The present revision petition being bereft of any merits stands dismissed.

11. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

31.01.2024.
komal

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