

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.5739 of 2023 (O&M)
Date of Decision: 13.02.2024

Piara Singh (deceased) through his LR Sukhwant SinghPetitioner

VERSUS

Rupinder Singh and OthersRespondents

CORAM: HON’BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Amit Jhanji, Senior Advocate with
Ms. Eliza Gupta, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 challenging the order dated 06.09.2023 whereby the application filed by the petitioner herein for transfer of the civil appeal along with application under Section 5 of the Limitation Act, 1963 moved in the civil appeal pending in the Court of Sh. D.S. Ralhan, Additional District Judge, Amritsar to any other Court of competent jurisdiction was dismissed.
2. Learned counsel for the petitioner would contend that appellant No.3 (respondent No.3 herein) is a known hotelier of Amritsar City and had declared that he would get a stay order from the Court where the appeal is pending and hence it was a fit case for transfer.
3. Learned senior counsel appearing on behalf of the respondents would contend that there is nothing on the record to even remotely suggest that any such statement was made by appellant No.3 (respondent No.3 herein).
4. I have heard learned counsel for the parties.

5. In the present case the allegations made in the application for transfer of the case are not only sweeping but also totally vague and unsubstantiated. Cases cannot be transferred on the ground of apprehension in the mind of the applicant. There is no cogent or valid ground which has been stated in the application or before this Court for transfer of the case except for the apprehension expressed by learned counsel for the petitioner. It has been brought to the notice of the Court that neither the application for condonation of delay nor the application for stay has been decided till date and hence, the apprehension of the petitioner is totally unfounded. Bald allegations can hardly be a ground for transfer and such like allegations are neither appreciated nor called for especially when they are totally unsubstantiated.

6. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed with costs of Rs.5,000/- to be paid to the Punjab and Haryana High Court Legal Services Committee. Pending applications, if any, also stand disposed off.

7. Dismissed.

(ALKA SARIN)
JUDGE

13.02.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO