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

CR-6580-2024

Date of decision: 12.11.2024

Manjinder Kaur @ Madhu and others

...Petitioners

Versus

Hukam Chand and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. S.S. Salar, Advocate for the petitioners.

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**VIKAS BAHL, J. (ORAL)**

1. This is a revision petition filed under Article 227 of the Constitution of India for quashing the order dated 07.10.2024 (Annexure P-8) whereby the District Judge has transferred the civil suit No.CS-95-2024.

2. Learned counsel for the petitioners has pointed out that in the present case, in the impugned order dated 07.10.2024, the District Judge, Sangrur had observed that there was nothing on file to substantiate the allegations levelled by the applicant-respondent No.1, yet he had transferred the matter after observing that no comments on merits of the transfer application were made. It is further submitted that even a perusal of the transfer application would show that same was only based upon an apprehension, which has not been detailed in the application. It is submitted that in the said application only in one line it has been mentioned that short



dates had been given. In this regard, learned counsel for the petitioners has submitted that since there was an ad interim injunction granted in favour of the petitioners, it was for the said reason that the Court had given short dates, so that same should not seriously prejudice the respondents and giving of short dates after grant of ad interim injunction shows that no favour was shown to the petitioners. It is further submitted that defendant No.1 who had moved the application for transfer had put in appearance on 29.02.2024 and in spite of a lapse of 90 days and several dates, till the date of filing of the transfer application dated 06.09.2024, defendant No.1 did not file the written statement and the Court did not strike off his defence, which fact also indicates that no favour is met out to the petitioners and the concerned Court was deciding the case on the basis of its merits. It is submitted that in case, such like applications are entertained, then, the same would lower the morale of the officers and the same would also raise an aspersion against the opposite party of the person seeking transfer. It is argued that the petitioners do not wish that the case should be decided by a particular Court and would be happy in case, the matter is decided by any Court and has thus, submitted that in case, the order dated 07.10.2024 is upheld and the matter is decided by another Court to which it has been transferred, the petitioners would have no objection but the abovesaid aspect be clarified so that no aspersion can be made against the petitioners or the Judicial Officer.

3. This Court has heard learned counsel for the petitioners and has perused the paper book.

4. A perusal of the order dated 07.10.2024 would show that the District Judge, Sangrur had noted the fact that there was nothing on file to



substantiate the allegations levelled by the applicant in the application. A further perusal of the application dated 06.09.2024 would show that there is no foundational fact mentioned on the basis of which respondent No.1-defendant No.1 was stated to have an apprehension to the effect that the petitioners might have approached the Presiding Officer. The said application is absolutely vague and the only one line reasoning, which has been mentioned in para 2, is that short dates had been given. From the record, it is apparent that ad interim injunction was granted by the Court vide order dated 09.02.2024 and the case was fixed for 29.02.2024, subject to compliance of Order 39 Rule 3 CPC. The argument raised by learned counsel for the petitioners to the effect that short dates were given in view of the fact that an ad interim stay had been granted in favour of the petitioners so that no serious prejudice is caused to the respondents, carries weight. At any rate, it cannot be said that granting of short dates after there was an ad interim injunction granted in favour of the petitioners, with respect to restraining defendant Nos.1 to 4 from interfering into the peaceful possession of the petitioners/plaintiffs and to the effect that defendants were restrained from alienating the suit land, would cause an apprehension in the mind of the respondent No.1 so as to move the said application.

5. Even, the second argument raised on behalf of learned counsel for the petitioners to the effect that respondent No.1, who had moved the transfer application, had put in appearance on 29.02.2024 and had not filed the written statement uptill 06.09.2024 and the learned Court had not passed any adverse order against respondent No.1 is indicative of the fact that no special treatment is meted out to the petitioners. In the said circumstances,



although, there was nothing calling for transfer of the said case but in view of the fact that learned counsel for the petitioners has fairly submitted that the petitioners do not want that a particular Court should decide their case and they would be satisfied in case, any Court decides the matter, this Court is of the opinion that the impugned order dated 07.10.2024 be upheld but with the clarification that the impugned order of transfer should not in any way be construed as an aspersion on the working of the Judicial Officer nor an indicator of there being any collusion between the petitioners and the Presiding Officer.

6. Keeping in view the abovesaid facts and circumstances, the present revision petition is disposed of and the impugned order dated 07.10.2024 is upheld with the abovesaid clarification.

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

**12.11.2024**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**