



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

(i) TA-98-2023 (O&M)

M/s The Dream Group

...Applicant

VERSUS

District Bar Association and another

...Respondents

(ii) TA-120-2023 (O&M)

M/s The Dream Group

...Applicant

VERSUS

District Bar Association and another

...Respondents

Date of Decision: August 29, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Naresh Jain, Advocate
for the applicant.

Mr.Prateek Gupta, Advocate
for respondent No.1.

ARCHANA PURI, J.

These are two transfer applications, filed at the instance of M/s The Dream Group through its proprietor Rajesh Sood, thereby, seeking transfer of Arbitration Cases No.385 and 386 of 2021, which relates to the objections filed, at the instance of the applicant as well as the respondent No.1, to the Arbitral Award award dated 25.11.2020 passed by the Sole



Arbitrator.

Both the objection petitions are pending in the Courts at Chandigarh and the applicant is seeking transfer of the same to the Court of competent jurisdiction, either at Panchkula or Mohali.

In pursuance of the notice issued, contesting respondent No.1 made appearance through counsel and filed respective replies.

Learned counsel for the parties heard.

The work with regard to the construction of 440 Lawyers' chambers in the District Court, Sector-43, Chandigarh, was allotted to the applicant, in due course. A contract agreement dated 15.12.2010 was executed between the applicant and the District Bar Association (DBA) through the then President. Later on, dispute arose between the parties, with regard to non-compliance of the terms of the agreement and consequent payments not made. Thereupon, Arbitrator was appointed, who had passed the Arbitral Award dated 25.11.2020. Feeling aggrieved with the said Award, the applicant as well as respondent-DBA filed the respective objection petitions, which are pending in the Courts at Chandigarh.

It is now submitted by learned counsel for the applicant that respondent No.1 is District Bar Association itself and therefore, the pressure built up during the hearing is not very healthy one. For the said reason, the applicant is facing hardship, in pursuing its case. No lawyer is ready to appear, on behalf of the applicant and not just this, the applicant is also facing threat, while appearing in the said case. In view of the same, a prayer has been made for acceptance of both the transfer applications.

On the other hand, learned counsel for the contesting



respondent submits that simply, on the score of the rival party to be District Bar Association, does not *ipso facto*, make out a ground for the transfer of the case. To substantiate his contention, learned counsel for the respondent has placed reliance upon ***D.A.V. College Hoshiarpur Soccity (Regd.) and another vs. D.M.Sharma and others, 2005(1) RCR (Civil) 71*** and ***Gurnam Singh and another vs. Amandeep Singh and others, 2005(2) RCR (Civil) 314.***

Section 24 CPC empowers the High Court or District Court to transfer inter-alia any suit, appeal or other proceedings, pending before it or in any Court subordinate to it to any other Court for trial or disposal. Said provision confers comprehensive power on the Court to transfer suits, appeals or other proceedings ‘at any stage’, either on an application by any party or suo motu. However, it is well settled that there is no cast iron formula unanimously applicable to all the situations. One differential/distinctive circumstance can change the decision of the transfer application. In the light of the same, it is incumbent upon the Court concerned to exercise this power with due care, caution and circumspection.

Time and again, broad propositions have been laid down by the Courts, as to what may constitute a ground for transfer. There are numerous circumstances and amongst the same, the foremost to be relevant for the present applications is reasonable apprehension, in the mind of the litigant that he might not get justice in the Court, in which the suit is pending, on account of considerable section of the advocates, being interested in the litigation.

However, considering the various circumstances, if the Court feels



that litigant, who knocks the door of the Court, is not likely to have ‘fair trial’ in the Court, from which he seeks to transfer, it is not only the power, but duty of the Court to make such an order of transfer. The Court acting under Section 24 of the Code, may or may not, in its judicial discretion, transfer a particular case, in the backdrop of its own facts and circumstances. However, the underlying purpose is that the Courts must act ‘**judiciously**’ in ordering a transfer on the application of a party. The power to transfer a case has to be exercised, with due care, caution and circumspection.

In ***D.A.V. College’s case (supra)***, it was observed, as herein given:-

*“6. Having heard learned counsel for the parties and perusing the record and judgments of this Court. I am of the considered view that this petition is liable to be dismissed because the principal argument raised by the learned counsel for the petitioner is untenable namely that if the litigation has been initiated by an Advocate or against the Advocate that alone would be a sufficient ground for seeking transfer of proceedings Under Section 24 of the Code. This argument if accepted would have pernicious and deleterious effect on the administration of justice. In a given case there may be the possibility of establishing the relationship of a particular Advocate with the Presiding Officer and the same may constitute a ground for transfer but merely because the litigant is a practicing Advocate **without anything more** would not constitute a valid ground for transfer of the case. If such a principle is accepted; then all cases concerning members of the legal fraternity have to be contested at a place other than the one where the member of the Bar is practicing. Such a general ostracism of legal fraternity is impermissible.”*

The aforesaid view was further substantiated in ***Gurnam Singh’s case (supra)***.



There is no inhibition, on the part of the Courts to accept the transfer application, wherein, the rival litigant is an Advocate, but however, there ought to be circumstances, spelt out about the Advocate/litigant to be over-reaching or thereby, throwing his weight to such an extent, which causes bias/influence upon the Court, to such an extent, which hampers the ‘**fair trial**’ or ‘**conducting**’ of the judicial proceedings. Being advocate, *ipso facto*, is not a ground for transfer of the case.

In the case in hand, the applicant perceives apprehension, as on the other side is **District Bar Association**. However, the fact remains that for the Court, it is the litigant on the other side. Body of advocates may have strength as a body to remove grievance of the advocates with the purpose of strengthening the judicial functioning but this will not *ipso facto*, raise the apprehension of the Presiding Officer towing down to the will of the bar. In the case in hand, the litigation of the applicant, as such, is with the District Bar Association of Chandigarh and therefore, on the other side, the respondent has to be District Bar Association.

Making of wide allegations of apprehension is not alone sufficient, as there has to be some circumstances/material brought forth to show about **reasonable** apprehension. The applicant states about no lawyer taking his brief. However, it has been rightly pointed out by learned counsel for the respondent that the applicant is contesting the litigation pending through counsel, who represented him in the arbitration proceedings and the same counsel is defending the applicant in the other connecting petition under Section 34 of the Arbitration Act.

In fact, it is presumptuous apprehension, not supported by any



genuine circumstances. Raising of such apprehension, without any substance is not acceptable. A party, who has any kind of grievance, has to make out that this apprehension is reasonable, giving rise to the impression that justice will not be done. He is not required to demonstrate that justice will inevitably fail. But, at the same time, he has to pin-point the circumstances, from which, an impression can be gathered by this Court that it is reasonable, in view of the circumstances, pointed out that the case ought to be transferred, so as to remove this apprehension. However, mere allegation that there is apprehension that justice will not be done, do not make out any case for transfer of the case.

This wide apprehension as levelled in the present case, also impliedly cast aspersions upon the functioning of the judicial system, while presuming about the Presiding Officer to be towing under the pressure of the Bar Association. Such impression should never be gathered as the Presiding Officer is to decide the pending litigation of the parties to these applications, as one case, amongst the number of cases, pending in his Court.

The judicial functioning cannot and should not be permitted to be stone-walled, either by the ordinary litigants or Bar Members. The process of judicial delivery system must run its even course, unbridled by any litigant, be it a private person or an advocate or bunch of advocates or the advocates together, being Members of District Bar Association. There cannot be any onslaught, at the instance of any litigant by raising apprehensions, based on conjectures and mystic maybes. There has to be some substance in the apprehension so raised, which is missing in the present case.



However, in clear words, even at the cost of repetition, it is stated that the Courts will not have any inhibition to transfer a case, even if, rival litigant is an advocate or bunch of advocates or body of District Bar Association, provided that the apprehension raised is genuine and justifiable, which in the present case, is utterly missing.

In the light of the aforesaid observations, as such, no case is made out for acceptance of the transfer applications. Hence, both the transfer applications are hereby dismissed.

August 29, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No