



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

264

CR-5421-2024 (O&M)

Date of Decision : 16.05.2025

BIMLA JAIN

.... Petitioner

VERSUS

SAT NARAYAN BANSAL AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ishan Aggarwal, Advocate for the petitioner.

Ms. Khushboo Garg, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

CM-1311-CII-2025

1. This is an application for preponing the date of hearing of the main petition from 03.07.2025 to some early date.
2. As per the Office report, notices issued to the respondents have not been received back served or otherwise.
3. Ms. Khushboo Garg, Advocate has appeared and has filed her power of attorney on behalf of respondent No.1 which is taken on record.
4. Learned counsel for the applicant-petitioner states that respondent No.2 is a proforma respondent and hence his service may be dispensed with.
5. Ordered accordingly.
6. Learned counsel for respondent No.1 states that she has no objection if the present application is allowed.

7. In view of the above, the present application is allowed and the date of hearing of the main petition is preponed from 03.07.2025.

8. With the consent of the learned counsel for the parties, the main petition is taken on Board today itself.

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9. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 18.04.2024 (Annexure P-5) passed by the learned District Judge, Gurugram vide which, on an application filed by respondent No.1 – Sat Narayan Bansal, the execution application filed by the petitioner herein as well as the application filed by respondent No.1 herein under Order XXIII Rule (3)(a) of the Civil Procedure Code, 1908 for setting aside the judgment and decree dated 14.09.2019 had been directed to be transferred to Gurugram from Sohna. Aggrieved by the same, the petitioner has filed the present revision petition.

10. Learned counsel for the petitioner would contend that there was no ground to transfer the execution application and the application filed under Order XXIII Rule (3)(a) CPC.

11. *Per contra*, learned counsel for respondent No.1 would contend that respondent No.1 was constrained to file the application for transfer as the petitioner herein had filed a false suit titled as ‘Bimla Jain V/s Sat Narayan Bansal’ based on forged and fabricated documents claiming to be owner in possession of the suit land. A decree came to be passed on 14.09.2019 in the said suit. It was the case set up by respondent No.1 that Hari Dutt Jain, who is the husband of Bimla Jain (the petitioner herein),

represented falsely, fraudulently by forging documents and impersonating in the name of respondent No.1 – Sat Narayan Bansal – and obtained a decree dated 14.09.2019 fraudulently. It was further contended that respondent No.1 is 69 years old and has been critically ill since a long time. It was prayed in the application that both the parties were residents of Gurugram and hence no prejudice would be caused to either of the parties. It was further stated in the application that husband of the petitioner herein had appeared in Court at Sohna along with many other people and threatened respondent No.1 to either withdraw the application filed under Order XXIII Rule (3)(a) CPC or face dire consequences. Complaints were also stated to have been given against Hari Dutt Jain (husband of the petitioner herein) and the petitioner regarding continuous threatening and fraudulent grabbing of the land.

12. Heard.

13. In the present case an application for transfer was filed by respondent No.1 on the ground that he had filed an application under Order XXIII Rule (3)(a) CPC for setting aside the judgment and decree dated 14.09.2019 which was pending before the Civil Judge (Junior Division), Sohna and an execution application filed by the petitioner herein for execution of the judgment and decree dated 14.09.2019 was also pending in the same Court. Respondent No.1 averred in the application that husband of the petitioner herein, who had no connection with the case, appeared in the Court and in collusion with the petitioner argued despite objections being raised by the Court. Such conduct of the husband of the petitioner is also

recorded by the Court concerned in the order dated 08.02.2023. It has also been noticed in the impugned order that husband of the petitioner had filed an application under Order I Rule 10 CPC for being impleaded as a party. After noting all the facts and after taking into consideration the photocopies of the complaints dated 25.11.2020 and 10.12.2021, the learned District Judge, Gurugram has held that respondent No.1 is feeling insecure while attending the Court proceedings at Sohna and directed the matter to be transferred to the Court at Gurugram. Admittedly, both the parties are the residents of Gurugram. Learned counsel for the petitioner has not been able to show as to how any prejudice would be caused to the petitioner by the said transfer.

14. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

15. It is made clear that any observations made herein shall not be treated as an expression of opinion on the merits of the case.

16. Pending applications, if any, also stand disposed off.

16.05.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*