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

Sr. No.174

TA-1377-2023

Date of Decision: 03.12.2025

SATNAM SINGH AND OTHERS**....Applicants****Versus****JARNAIL SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Gopal Sharma, Advocate
for the applicants.

Mr. Vishal Sharma Haritwal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicants have filed the present application for seeking transfer of the civil suit for damages i.e. CS/314/2023, titled '*Jarnail Singh Vs. Satnam Singh and others*', filed by the respondent, pending in the Courts at Guhla, District Kaithal and they seek transfer of the same to the Court of competent jurisdiction at Fatehgarh Sahib.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.



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It is submitted by the counsel for the applicants that Poonampreet Kaur, daughter of applicants No.1 and 2, got married to Baljinder Singh, son of the respondent, on 14.12.2019. Both of them are residing in Canada. However, matrimonial dispute arose between the two. On receipt of the complaint from Poonampreet Kaur, with regard to maltreatment and harassment, caused to her, complaint was got registered against the respondent and his son, at Fatehgarh Sahib. Upon registration of the said complaint, the police had summoned the respondent, who got recorded his statement. Thereupon, with an ulterior motive, the maid of the respondent filed one complaint under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against applicant No.1, applicant No.3 and Poonampreet Kaur. A copy of the said complaint is Annexure A-2. The respondent had also filed a suit for damages, against the applicants, which is pending in the Courts at Guhla, District Kaithal, copy whereof is Annexure A-3. Upon complaint of the maid of the respondent, Applicant No.1 was summoned by the police at Kaithal. After recording of the statement, the Deputy Superintendent of Police, Guhla, District Kaithal, conducted an inquiry and found the complaint filed by Jyoti, who was maid of the respondent, to be having no truth and as such, no cognizable offence was made out. The inquiry report dated 12.07.2023, is Annexure A-4.

It is further submitted by the counsel for the applicants that complaint was filed by the maid, only at the instance of Jarnail Singh-respondent, who is an Advocate and also an office bearer of Bar Association at Guhla, District Kaithal, as he wanted to cause harassment to the applicant.



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Since the false complaint under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was facilitated by the respondent, the applicants have strong apprehension that on their visit to the Courts at Guhla, the respondent would harass them and also, there is an apprehension of their being impleaded in the false case(s). Also further, it is submitted that after the inquiry report dated 12.07.2023, given by Deputy Superintendent of Police, another complaint bearing No.186-5P/DSP/G dated 24.07.2023, was filed against the applicants and others, through Jyoti only. The said complaint was also filed at the instance of the respondent. In the given circumstances, a prayer has been made for transfer of the civil suit for damages.

On the other hand, counsel for the respondent has asserted that false allegations have been levelled against the respondent. In fact, no such complaints were facilitated at the instance of the respondent. In the light of the same, he submits that solely keeping in view the fact that the respondent is an Advocate, no ground is made out for transfer of the civil suit, wherein the presence is not required on each and every date of hearing.

In view of the submissions aforesaid, it is pertinent to mention that 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. This provision confers comprehensive power on the Courts to transfer the pending litigation, *either on the application by the parties or suo motu*.

However, it is well-settled that there is no cast iron formula, unanimously



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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 application, is reasonable apprehension, in the mind of the applicants that they may not get appropriate opportunity to present their case and they may be denied fair trial in the Court, where the litigation is pending, on account of influence of the respondent, who is an Advocate, thus 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 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.

Very true, as pointed by the counsel for the respondent that merely because the litigant is a practising advocate, without anything more,



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would not constitute a valid ground for transfer of the case. There is no inhibition, on the part of the Courts to accept the transfer application, wherein, the rival litigant is an advocate, but however, some circumstances ought to be spelt about the advocate/litigant to be over-reaching or thereby, throwing his weight to such an extent, which causes bias or apprehension in the mind of the applicants, to such an extent, which hampers the ‘**fair trial**’ or ‘**conducting**’ of the judicial proceedings. In any case, being an advocate, *ipso facto*, is not a ground for transfer of the case. It is settled position of law that in any case, while considering the transfer application, the paramount consideration must be, to see that justice according to law, is done to both the sides.

Now, advertng to the case in hand, the relationship between the parties is not disputed. Also, it is not disputed that there was a matrimonial dispute between daugther of applicants No.1 and 2 and son of the respondent. They were entangled in various litigations. It is also not disputed that one complaint, copy whereof is Annexure A-2, was filed by Jyoti wife of Jony, who admittedly is maid of the respondent. The same was made on the accusations of abuse, on the basis of caste of the complainant and the said complaint was registered against, Satnam Singh, Sumit Singh and Poonampreet Kaur. The vernacular copy of the said complaint is also part of the paperbook. Perusal of the said complaint reveals that the incident, with regard to the abuse, relates to 31.10.2022 and that too happened at the house of the respondent. However, the complaint was filed after about 8 months, which was inquired into, after association of the



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respondent in the same, by the police authorities. The report prepared by the Deputy Superintendent of Police, Guhla, District Kaithal, which was forwarded by Superintendent of Police, is Annexure A-4 and therein, it was observed that after a period of 8 months of incident, the respondent-Jarnail Singh, aforesaid, had got the complaint filed through Jyoti, who belongs to the Scheduled Caste, with the allegations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against Satnam Singh and after recording of statements of the parties and appraising the material on record, it was held that no truth was found in the allegations levelled in the complaint and no cognizable offence was found, in the inquiry. Not only this, subsequently also, another complaint has been filed by Jyoti, relating to the same incident, which also forms part of the paperbook.

Filing of subsequent complaint, more specifically, when one view had already been given by Deputy Superintendent of Police after conducting due inquiry, definitely causes apprehension, with regard to the role assigned to the respondent in the complaint filed at the instance of his maid, more particularly, when the incident had taken place in his house and the said complaint was filed, after a period of 8 months. As such, the action has again been initiated by Jyoti, maid of the respondent. Such being the situation, reasonable apprehension is raised in the mind of the applicants that they may not get justice in the Court, in which the suit is pending, on account of the respondent, who is a lawyer, throwing his weight and exercising his influence. It may not be so. However, gathering of apprehension is there in the mind of the applicants. The fact about the



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applicants having gathered an impression that they will not get fair and impartial trial, ought to be taken into consideration. Justice should not only be done, but it must also appear to be done.

In view of the aforesaid fact situation, this Court is inclined to accept the application. Hence, the transfer application is allowed and the civil suit for damages i.e. CS/314/2023, titled '*Jarnail Singh Vs. Satnam Singh and others*', filed by the respondent, stands transferred from the Family Court (Camp Court) Guhla, District Kaithal, to the Court of competent jurisdiction at Fatehgarh Sahib. The requisite record of the aforesaid case be sent by the Court concerned at Guhla, to the District and Sessions Judge, Fatehgarh Sahib.

Learned District and Sessions Judge, Fatehgarh Sahib, shall assign the said petition to the Court of competent jurisdiction at Fatehgarh Sahib. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

03.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No