



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

112

TA-1199-2025 (O&M)

Date of Decision: December 09, 2025

Sharanjit Kaur

...Applicant

Versus

Jagmohan Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Gurcharanjit Kaur, GPA of applicant-in person.

Mr.Vivek Salathia, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-Sharanjit Kaur through her attorney holder Gurcharanjit Kaur has filed the present application under Section 24 CPC, thereby, seeking transfer of the case bearing No.EXE-122-2024, pending in the Court of Civil Judge (Sr. Divn.), SBS Nagar, to any other competent Court of jurisdiction.

In the application, it is averred that the transfer application was filed by the applicant, before the Court of learned District Judge, SBS Nagar vide TA-19-2025, titled 'Sharanjit Kaur vs. Jagmohan Singh' and the same was dismissed on 01.09.2025. Further also, it has been averred about the transfer application to have been dismissed as the matter related to the

advocates and that passing of the order clearly suggests that learned trial Court is favouring the respondents. In the transfer application, the applicant stated about her grievance, as the District Judge had not granted stay and also about the request made with the timing of making the submissions and presence of the rival parties being marked. Therein, also it was stated that son of the respondent is an Advocate practising at Jalandhar and that, with an intention to grab her property, a false agreement was prepared.

Furthermore, the applicant averred about the kind of litigation pending and also, with regard to the manner of proceeding of the said litigation. The applicant also stated about the manner of conducting of the proceedings by the Executing Court, which she allege, was not appropriate. As such, a prayer was made for the transfer of the execution petition.

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

The attorney holder of the application as well as counsel for the respondent heard.

The attorney holder of the applicant has assiduously submitted that conduct of the Court(s) is not above board. The Court(s) indulge in favouritism towards the respondent, whose son is an Advocate. She made reference to the written arguments submitted for seeking transfer of the execution petition.

However, on the other hand, learned counsel for the respondent submitted that though detailed reply, as such, has been filed but he confines his prayer, only to question the maintainability of the second transfer application under Section 24 of the CPC, at the behest of the applicant,

without challenging the order passed by learned District Judge, on the first transfer application under Section 24 CPC, filed on the same facts.

As culled out from the paperbook, initially, a suit for specific performance was filed by Jagmohan Singh against Sharanjit Kaur and money decree was passed by the Court. Being aggrieved, Jagmohan Singh had filed an appeal, which was later on withdrawn. Thereupon, Sharanjit Kaur through her attorney, filed an appeal along with an application, thereby, seeking condonation of delay, which is still pending. The decree holder also filed an execution, wherein the Court is proceeding further to execute as there is no stay order by any superior Court. It is in this context that the applicant not being satisfied with the manner of conducting of the proceedings in the execution, had filed the transfer application under Section 24 CPC, at first instance, before learned District Judge, which was dismissed vide order dated 01.09.2025, copy whereof is Annexure P-1.

It is in this backdrop, now the question arises about the maintainability of the subsequent application under Section 24 CPC before this Court. The respondent raised the question of maintainability of the same, in the light of earlier application having dismissed, while passing the detailed order.

Section 24 CPC deals with general power of transfer and withdrawal by the High Court or District Court, which is reproduced, as herein given:-

“24. General power of transfer and withdrawal.---(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its

own motion without such notice, the High Court or the District Court may at any stage

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) retransfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which 1 [is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

2[(3) For the purposes of this section,

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) proceeding includes a proceeding for the execution of a decree or order].

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

3[(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.]

The power to be exercised under Section 24 CPC is both administrative and judicial. The administrative power is exercised by the competent authority in routine, for the allocation of the cases amongst the different Courts subordinate to it or having concurrent jurisdiction with the power of allocation of cases generally. No issue is raised thereof, unless someone files an application seeking transfer of his case to some other Court. Again, the application can either be taken on administrative side of judicial side.

However, in the case in hand, the issue, which is pending for consideration before this Court, is regarding the application filed by the litigant under Section 24 CPC on judicial side. If such application is filed, the Court concerned is required to consider the same, in terms of the parameters settled therefor. The application filed by the party to the litigation under Section 24 CPC, can either be accepted or rejected.

Time and again, the Hon'ble Courts have dealt with the principles, with respect to the transfer of the case under Section 24 CPC. Beneficial reference is made to the decision rendered by the Hon'ble Supreme Court in ***Kulwinder Kaur vs. Kandi Friends Education Trust and others, 2008 (3) SCC 659***, wherein, it was observed, as herein given:-

“13. Having considered rival contentions of the parties and having gone through the proceedings of the case, we are of the view that the impugned order deserves to be set aside. So far as the power of transfer is concerned, Section 24 of the Code

empowers a High Court or a District Court to transfer inter alia any suit, appeal or other proceeding pending before it or in any Court subordinate to it to any other Court for trial and disposal. The 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.

14. Although the discretionary power of transfer of cases cannot be imprisoned within a strait-jacket of any cast-iron formula unanimously applicable to all situations, it cannot be gainsaid that the power to transfer a case must be exercised with due care, caution and circumspection. Reading Sections 24 and 25 of the Code together and keeping in view various judicial pronouncements, certain broad propositions as to what may constitute a ground for transfer have been laid down by Courts. They are balance of convenience or inconvenience to plaintiff or defendant or witnesses; convenience or inconvenience of a particular place of trial having regard to the nature of evidence on the points involved in the suit; issues raised by the parties; reasonable apprehension in the mind of the litigant that he might not get justice in the court in which the suit is pending; important questions of law involved or a considerable section of public interest in the litigation; "interest of justice; demanding for transfer of suit, appeal or other proceeding, etc. Above are some of the instances which are germane in considering the question of transfer of a suit, appeal or other proceeding. They are, however, illustrative in nature and by no means be treated as exhaustive. If on the above or other relevant considerations, the Court feels that the plaintiff or the defendant is not likely to have a "fair trial" in the Court from which he seeks to transfer a case, it is not only the power, but the duty of the Court to make such order.

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17.It is true that normally while making an order of transfer, the Court may not enter into merits of the matter as it may affect the final outcome of the proceedings or cause prejudice to one or the other side. At the same time, however, an order of transfer must reflect application of mind by the court and the circumstances which weighed in taking the action.....”

In ***Sunita Devi vs. Ram Kirpal and another, 2014 RCR (Civil)***

740, the Hon’ble Allahabad High Court, while considering the scope of Section 24 CPC, held as herein given:-

“8. The expression "the High Court or the District Court" clearly indicates that the power of the District Judge and that of the High Court under section 24 of the C.P.C. is mutually exclusive. The word "or" in the expression "the High Court or the District Court" in sub-section (1) is used disjunctively and not conjunctively which means that a person can move either the High Court or the District Court and not both the Courts in succession one after the other. Thus, from the aforesaid expression it is crystal clear that the application under section 24 of the C.P.C. can either be moved before the District Judge or the High Court and cannot be moved simultaneously or one after the other. Thus, the remedy can be availed either by approaching the District Judge or directly to the High Court. Since the jurisdiction of the District Judge and the High Court is concurrent under section 24 of the C.P.C., so if one party has approached the District Court, that party would be precluded from approaching the High Court under section 24 of the C.P.C. The High Court under section 24 of the C.P.C. cannot sit over the order of the District Judge as a Revisional Court or as an Appellate Court.

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10. From the above provision of the Cr.P.C. it is clear that if any transfer application is rejected by the Sessions Judge the applicant can come to the High Court for getting the case transferred from one Court to the other in the same judgeship on the same ground but there is no such provision in the C.P.C. So, in the absence of such provision no party can approach the High Court after rejection of his application by the District Judge. In this reference, the ruling of the Hon'ble High Court rendered in Dadi Jagannadham v. Jammulu Ramulal, may be referred to. In this ruling, it has been held that the Court could not add words to a statute or read words into it which are not there, especially when the literal reading produces an intelligible result.

11. So, in the absence of any specific provision in the C.P.C. a person cannot approach the High Court under section 24 of the C.P.C. or any other provision of the C.P.C. to get his case transferred from one Court to another in the same judgeship after rejection of his transfer application by the District Judge on the same ground. But he is not remediless. He may approach the High Court for this purpose by means of filing the writ petition under Article 226 and 227 of the Constitution of India and may invoke the High Court's power of superintendence" 9. In view of the aforesaid, I find that transfer application filed by the applicant is not maintainable. Consequently, the transfer application deserves to be dismissed."

In *Indian Oil Corporation Ltd. vs. Ram Swaroop Bajaj, 2016*

(4) ADJ 724, while dealing with the transfer application, it was observed as herein given:-

"5. From perusal of the aforesaid provisions, it is apparently clear that no power has been conferred on the High Court to

set aside the order passed by the District Court on an application under section 24 of C.P.C.

6. In the case of Dr. Ajay Chaturwedi v. Smt. Shobhanal, a Division Bench of this Court has considered the nature of power under section 24 of C.P.C. and held that transfer of proceedings of suit, appeal etc. can be directed by the High Court/District Court on an application as also suo moto. This power of transfer is not an exercise of original jurisdiction, it is not an exercise of appellate jurisdiction nor it is an exercise of revisional jurisdiction. The power of transfer of suit and other proceedings is an exercise of power of superintendence. The legal position has also been explained by the Madras High Court in the case of P. Karupiah Ambalam v. Ayya Nadar. The power conferred under section 24 of C.P.C. gives power to two Superior Courts, viz., the High Court or the District Court to withdraw any suit, appeal or other proceedings pending in any Court subordinate to it and either try and dispose of the same, or transfer the same for trial or disposal to any Court, subordinate to it and competent to try or dispose of the same. Section 24 confers a very wide power, and it is intended to enable the two Superior Courts mentioned in it to exercise their general power of superintendent over Subordinate Courts, or in the interest of justice.”

In *Ariamma Sachariah vs. Rose Elizabeth Kurian, 2004 (3)*

RCR (Civil) 825, the Division Bench of Hon’ble Kerala High Court, observed as under:-

“8. A perusal of the provisions would show that power has been given to the District Court or the High Court to order transfers. Of course, in cases where suits or proceedings lie outside the jurisdiction of the District Court, power under Section 24 of the C.P.C. can be used only by the High Court.

According to us, an interpretation of Section 24 of C.P.C. will clearly show that a party can approach the District Court or High Court for transfer of cases. That does not mean that party, who did not get favourable orders by filing petition under Section 24 of C.P.C. before the District Court can approach the High Court for the same relief.

9. The main attack is that even if the order is passed by the District Court under Section 24, the party can be allowed to approach this Court under Section 24 of the C.P.C. We are of the view that this contention cannot be accepted. According to us, the party can approach this Court under Article 227 of the Constitution to redress their grievances. If we accept the interpretation given by the learned Counsel for the petitioners that will lead to multiplicity of proceedings and waste of time.

10. In the above view of the matter, we are of the view that once an order is passed in a petition under Section 24 of C.P.C. by the District Court, that order can be challenged and the party cannot file another petition under Section 24 of C.P.C. for the same cause of action before the High Court.”

In *Sebastian vs. R. Prabakaran and others in Transfer Civil Misc. Petition (MD) No.19 of 2011 and M.P. (MD) No.1 of 2011, decided on 04.03.2011*, the question which arose for consideration was as to whether the second petition for the same relief, which was earlier rejected, is maintainable? Therein, while considering the first transfer application having been dismissed, the subsequent application filed for seeking same relief, it was observed as herein given:-

“12. Under this circumstance, a prime question is arisen as to whether this second petition, for the very same relief which was rejected in O.P.No.101 of 2010 by the learned Principal District Judge, Dindigul, is maintainable? XXXX

32. On coming to the instant case on hand, the petitioner after making allegations against the learned Subordinate Judge, Palani holding Camp-Court at Kodaikanal had originally filed a transfer petition in Transfer O.P.No.101 of 2010, on the file of the learned Principal District Judge, Dindigul. That petition was dismissed. Again the petitioner has approached this Court with this transfer petition for the second time seeking the very same relief, transfer of the appeal suits in A.S. No.46 and 47 of 2009 from the file of the learned Subordinate Judge, Palani to any other Subordinate Judge's Court at Dindigul District.

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37. Keeping in view of the fact and on considering the submissions made on behalf of both sides, this Court is not inclined to allow this petition on the ground that the second transfer petition filed under Section 24 of the Code of Civil Procedure is not maintainable, when an earlier transfer petition under Section 24 of the Code of Civil Procedure was rejected by the learned Principal District Judge, Dindigul District.”

Even, the Division Bench of Hon’ble Allahabad High Court, in ***Babu Singh and others vs. Raj Bahadur Singh and others, 2022 (12) ADJ 178***, while considering the order passed by the District Judge under Section 24 CPC, another application having filed by the same applicant, based on the same cause of action, held that the same would not be maintainable, without challenge to the order passed by the District Judge, on the application under Section 24 CPC, which was disposed of. Therein, besides considering the order passed by the District Judge to be open to challenge in revision or under Article 227 of the Constitution of India, it was also considered from the another perspective, with regard to the appraisal of the

order passed by the District Judge, while considering the application under Section 24 CPC, it was observed, as herein given:-

“.....There is another facet of the matter. In case, the application is allowed by the Court below, the opposite party may have grievance against the order passed by the court below allowing the application for transfer of the case raising argument that the parameters laid down therefor have been violated. In such an eventuality, the party aggrieved may have to challenge that order in the next higher court and a fresh application under Section 24 CPC, as such, may not be maintainable as the validity of the order has to be examined by the next higher court.

39. The position cannot be left anomalous in the sense that in one eventuality where an application filed by a party under Section 24 CPC is rejected, he can file a fresh application for transfer of a case to the next higher court under Section 24 CPC, whereas, in case, the application is accepted, the party aggrieved will have remedy to challenge the order passed in the next higher court. There has to be uniformity to the remedies available against the order passed by the court below.

40. Since the order passed by the District Judge has been held by us for reasons indicated to be a "case decided" and the proceedings under Section 24 CPC "other proceeding" within the meaning of Section 115 CPC, finality would attach to the District Judge's order once that Court is approached by a party seeking transfer within the District Judge's jurisdiction. The party aggrieved by the orders passed by the District Judge would have to move this Court under Section 115 CPC to set aside the order. Since orders passed on the transfer application is a "case decided" and disposes of "other proceeding" within

the meaning of Section 115 CPC, the party aggrieved by the District Judge's order cannot invoke the jurisdiction of this Court afresh under Section 24 CPC to set at naught the District Judge's determination without applying under Section 115 CPC to set aside that order.

41. Some very distinctive reasons, based on interpretation of the expression "the High Court or the District Court" occurring in sub-Section (1) of section 24 CPC, have been given in the decision of this Court in Sunita Devi's case (supra). The word "or" in the expression above mentioned has been construed as disjunctive and not conjunctive. To reach that conclusion, the phraseology employed in the analogous provisions of Section 407 Cr.P.C. has also been considered, which expressly provides for remedy to the unsuccessful applicant before the Sessions Judge in a plea for transfer of a criminal case to approach this Court. The absence of a similar provision under Section 24 CPC has been viewed by this Court to suggest that the power under Section 24 can be invoked by a party once and the determination made by the District Judge binds both parties.

42. For the reasons indicated in Sunita Devi's case (supra) and whatever we have said above, we are of opinion that unless an order passed by the District Judge on an application under Section 24 CPC is challenged through appropriate proceedings, the party aggrieved by the District Judge's order cannot further invoke the jurisdiction of this Court under Section 24 CPC to undo the District Judge's order. Since the order of the District Judge under Section 24 CPC has been found to be revisable by us, there is no reason why a person aggrieved by the District Judge's order under Section 24 CPC would have his remedy under Article 227 of the Constitution, though that remedy cannot be held barred as it embodies the constitutional powers of this Court to superintend Courts and

Tribunals subordinate. Nevertheless, in the face of availability of a statutory remedy under Section 115 CPC, the usual principle eschewing the invocation of a constitutional remedy would apply.”

Consequently, it was held by the Hon’ble Division Bench that the law laid down in the ***Sunita Devi’s case (supra)*** and ***Indian Oil Corporation's case (supra)***, lay down the law correctly on the subject matter in issue and answered the reference made by the Hon’ble Single Bench, accordingly.

In the case in hand, the applicant through her attorney has filed the second application, thereby, seeking same relief in the same case, against the same Presiding Officer, Earlier, the transfer application was filed before the District Judge, which had been dismissed, while passing a detailed order dated 01.09.2025, copy whereof is Annexure P-1.

Now, the question arises for the appraisal of the grounds seeking transfer of the same case, for the second time, meaning thereby, the order passed by the District Judge, has to be appraised.

However, since the issue in question, is vis-a-vis, the maintainability of the second application, this Court, as such, is consciously not making reference to the contents of the order passed by learned District Judge, on the first transfer application.

Such being the situation, without challenge to the order of the District Judge, while dealing with the transfer application under Section 24 CPC, the High Court, as such, cannot sit over the order of the District Judge, as revisional or appellate Court and undo the order. Unless the order

passed by District Judge, on an application under Section 24 CPC, is challenged, the order, as such, cannot be appraised, while dealing with the transfer application subsequently filed.

For the reasons indicated herein above, in the backdrop of the case law as noticed, if the applicant is aggrieved by the order passed by the District Judge, it cannot further invoke the jurisdiction of this Court under Section 24 CPC, to undo the District Judge’s order.

Accordingly, the present transfer application is dismissed, with liberty to the applicant to seek appropriate statutory remedy, under the law.

In view of the aforesaid observations, the stay application as well as pending civil misc. applications, if any, shall stand disposed of.

December 09, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No