



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

107

TA-1410-2024 (O&M)

Date of Decision: December 11, 2025

Rajbir Singh Kadian

...Applicant

Versus

Viveka Nand Jha and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Applicant-in-person.

None for contesting respondent No.1.

None for respondents No.2 to 4.

ARCHANA PURI, J.

CM-24248-CII-2025

The present application has been filed for placing on record medical record of applicant's wife.

Considering the contents of the application, the same is allowed and Annexures A-2 to A-9 are taken on record.

TA-1410-2024

Applicant-Rajbir Singh Kadian has filed the present application for seeking transfer of the civil suit filed by respondent No.1, bearing No.CS-269-2021, titled 'Viveka Nand Jha vs. State of Haryana and others', pending in the Courts at Jhajjar and he seeks transfer of the same to the

Court of competent jurisdiction at Panchkula.

In pursuance of the notice issued, respondents did not make appearance.

Applicant-in-person heard.

At the very outset, it is submitted by the applicant that he had retired on 31.12.2017 from the post of Principal, Department of Technical Education, Haryana and is presently residing at Panchkula. While working as Principal, Government Polytechnic, Jhajjar, in the year 2009-2010 and being reporting officer of respondent No.1, entered special remarks with regard to his work and conduct in SBTE Exams to be doubtful. Respondent No.1 was working as Lecturer in Ceramic Engineering at Government Polytechnic, Jhajjar. Proforma respondent No.3, being competent authority, approved the adverse remarks in the ACR (2009-10) and conveyed to respondent No.1 and respondent No.3, put on hold the Assured Career Progression (ACP) of respondent No.1, which was later on granted to him in the year 2018. Respondent No.1 had filed a civil suit for seeking damages for defamation on 07.04.2021 in the Courts at Jhajjar, despite the fact that cause of action accrued in Panchkula.

The applicant has made a prayer for transfer of the said suit from Jhajjar to Panchkula. The distance between the two places is stated to be 260 kms. Also, it is submitted that it is only to cause harassment to the applicant that the said suit has been filed at Jhajjar. Further, it is submitted that applicant is a senior citizen of 65 years and his wife is suffering from several diseases and he has made reference to Annexures A-2 to A-9 and therefore, it is difficult for him to pursue the litigation at Jhajjar.

In view of the submissions aforesaid, it is pertinent to mention that the contesting respondent had not made appearance, despite service. May it be so, even then, the circumstances spelt out from the material, brought on record, ought to be taken into consideration. Foremost circumstance to be considered is about the applicant himself to be an advocate, who has presented his case himself. Though, he states that he is a senior citizen, but, apparently he appears to be having a good health. Even though, it is submitted that wife of the applicant is not keeping good health, but on query by the Court, it is submitted that she is not admitted in any hospital and her condition, as evident from the medical record produced, is stable.

Even though, she is suffering from various ailments, but however, these are to be considered, while taking into consideration the age of the applicant and his wife. Certain medical ailments, do arise in old age. Therefore, these have to be taken into consideration, while considering the other circumstances, coming forth.

Though, the question of jurisdiction, as such, has been raised by the applicant in the transfer application, but however, it need not to be appraised and adjudicated by this Court, while dealing with the transfer application. The same can be taken care of by the Court, where the civil suit is pending. It is also significant to note that applicant himself is an advocate and he himself presented the case before this Court. Seemingly, he is having a good health.

It is pertinent to mention that it is the civil suit, which is pending before the trial Court, wherein, the applicant as such, is not

required to make appearance on each and every date. He always has an option to file an application for making appearance through virtual mode, as and when, his presence is required and if any such application is filed before the Court concerned, the same shall be considered and appropriate order shall be passed by the Court, in the fitness of the circumstances.

In given circumstances, no such case is made out for allowing the transfer application and the same is hereby dismissed.

December 11, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No