

2026:PHHC:077433



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

126

CR-4143-2026

Date of decision :18.05.2026

DARSHAN SINGH AND ANOTHER

... PETITIONERS

VERSUS

JASWINDER KAUR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. H.S. Saini, Advocate
for the petitioners.

PARMOD GOYAL, J. (ORAL)

1. Present civil revision petition has been preferred under Article 227 of the Constitution of India by petitioner being aggrieved by the impugned order dated 04.05.2026 (Annexure P-9) passed by the learned District Judge, S.A.S. Nagar, Mohali, whereby transfer application filed by petitioners-defendants seeking transfer of Civil Suit No. 398 of 2022 titled “**Jaswinder Kaur vs. Darshan Singh and others**”, pending before the learned Civil Judge (Junior Division), Mohali, to some other competent Court, was dismissed.

2. Brief facts of the present case are that the petitioners had instituted two separate suits: (i) Civil Suit No. 399 of 2022 titled “**Jaswinder Kaur Vs. Hardev Singh**” and (ii) Civil Suit No. 398 of 2022 titled “**Jaswinder Kaur Vs. Darshan Singh and others**”. Admittedly, both the suits were initially pending before different Courts. Thereafter, by Transfer Application No. 144 of 2025, both the suits were transferred to one Court in order to avoid conflicting

3. After transfer, although both suits remained before the same Court, they continued to be heard separately. Subsequently, vide judgment and decree dated 20.03.2026, Civil Suit No. 399 of 2022 titled “**Jaswinder Kaur Vs. Hardev Singh**” was decreed in favour of the plaintiff, whereas Civil Suit No. 398 of 2022 titled “**Jaswinder Kaur Vs. Darshan Singh and others**” is still pending adjudication.

4. Thereafter, the petitioners-defendants moved an application seeking transfer of Civil Suit No. 398 of 2022 on the ground that since the learned trial Court had already expressed its mind while deciding the connected suit, therefore, petitioners-defendants are not likely to get fair and impartial justice from the same Court.

5. On consideration, the learned District Judge did not find favour with the contentions raised on behalf of petitioners-defendants. It was observed that no question of bias arises in the present case, inasmuch as both the suits were dealt separately by the learned trial Court and the evidence of the parties was recorded independently in accordance with the respective pleadings in each case. Therefore, the judgment and decree passed in Civil Suit No. 399 of 2022 was based solely upon the evidence led in the said suit and has no bearing on the merits of Civil Suit No. 398 of 2022.

6. The learned District Judge further observed that despite transfer of both suits to one Court in the year 2025, the defendants never sought consolidation of the suits nor requested that both matters be fixed together for hearing. This clearly shows that merely because one suit came to be decreed against the defendants, they are now attempting to indulge in bench hunting by seeking transfer of the pending suit to another Court, which cannot be permitted

in law.

7. In view of the aforesaid discussion, the learned District Judge held that mere suspicion, as sought to be raised by the petitioners, is insufficient to conclude that they would not receive justice from the Court where the matter is presently pending. Accordingly, finding no merit in the transfer application, the same was dismissed.

8. This Court fully concurs with conclusion drawn by learned District Judge. I also do not find any reason to conclude that the learned Court below would decide the pending suit otherwise than on its own merits and the evidence available on record. Mere decision of one case preferred by plaintiff in her favour is no guarantee of similar result in another case where pleadings and evidence are different.

9. Accordingly, present revision petition is dismissed.

10. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

18.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No