

TA No.584 of 2011

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.584 of 2011

Date of decision: 12.12.2011

Ashwani Kumar and another

...Applicants

Versus

Mrs.Promila Mahajan

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.B.S.Baath, Advocate for the applicants.

Mr.RD Sharma, Advocate for the respondent

Jitendra Chauhan, J. (Oral)

The present application has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, by the applicants, seeking transfer of Civil Appeal No.97/2010 from the court of learned Additional District Judge, Gurdaspur to any other court of competent jurisdiction at Hoshiapur or Amritsar.

The only argument raised by the learned counsel for the applicants for transferring the case is that applicants have apprehension that brother-in-law of the respondent is posted as a Reader with the Civil Court, at Gurdaspur, and may influence the Court, therefore, depriving the applicant to get justice.

I have heard learned counsel for the parties and perused the case file.

There is no force in the argument raised by the learned counsel

for the applicants. The applicants have not spelled out as to how the Reader can influence the learned Court. A Class 'C' employee of a judicial Court is not expected to influence the administration of justice. Mere presumption or apprehensions is not sufficient for a case to be transferred, unless there are allegations that a person is in such a position that he can influence the administration of justice. The apprehension of the applicant is unfounded. The appeal is pending before the appellate court, whereas, the brother-in-law (Dewar) of the respondent is a Reader with the Civil Judge, and thus, cannot be said to be in position to influence the Appellate Authority, who is a member of Superior Judicial Services. No ground is made out to transfer the appeal from the Court of learned Additional District Judge, Gurdaspur to any other district. A transfer should not readily be granted for any fancied notion of a litigant. The yardstick is in the interest of justice. The applicants should repose confidence in judicial process.

In view of the above, the present application is dismissed.

12.12.2011
gsv

(JITENDRA CHAUHAN)
JUDGE