

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

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**TA-1084-2023 (O&M)**

**Date of Decision: September 05, 2025**

Jagir Singh and another

....Applicants

Versus

Dinesh Walia and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr.Sudeep Mahajan, Advocate  
for the applicants.

Mr.Sahil Koundal, Advocate for  
Ms.Neha Jain, Advocate  
for the respondents.

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**ARCHANA PURI, J.**

The applicants have filed the present application for seeking transfer of the civil suit No.553-2023, titled 'Dinesh Walia and others vs. Jagir Singh and another', pending in the Court of learned Civil Judge (Junior Division), Hoshiapur and they seek transfer of the same to the Court of competent jurisdiction outside Hoshiapur.

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

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicants that the subject civil suit, titled 'Dinesh Walia and others vs. Jagir



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Singh and another' was filed at the instance of the respondents-plaintiffs for seeking permanent injunction to restrain the defendants i.e. the applicants, not to restrain the plaintiffs from irrigating their land from the joint tubewell, along with the electricity connection in the khasra number, as detailed in the plaint. The reference was made to the copy of the plaint, which is Annexure P-2. Though, it is submitted that the respondents assert about them to have purchased the property, falling to the share of Krishan Singh, brother of Jagir Singh-defendant-applicant No.1, but however, it was asserted that Krishan Singh did not have any right in the tubewell.

Furthermore, it is submitted that the suit was instituted on 30.05.2023 and ex-parte interim stay was granted on 31.05.2023, in favour of the plaintiffs, who are respondents in the present application, while holding *inter alia* that the plaintiffs appear to be exclusive owners of the land along with 1/3rd share in the tubewell bore and the electricity connection. It is submitted that while giving such relief, the Court has, in fact, granted main relief sought in the civil suit by interim direction.

It is submitted that after about 10 days of passing of the order, an application was filed by the respondents before the police authorities, as a result whereof, the applicants were called to the police station and the influence of President, District Bar Association was also exerted, on the basis whereof, the police was intervening in the matter, which is essentially a civil matter.

Learned counsel for the applicants has made reference to the contents of the application, thereby, giving the detail of the manner, in

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which the application was filed to the police and the applicants were called to the police station. In fact, it is submitted that the respondents are attempting to exercise influence of the local bar in securing their interest in the pending litigation, as both the respondents are father-son duo, who are Advocates, practising in Hoshiarpur.

On the other hand, learned counsel for the respondents, while making reference to the reply submitted that the litigation is pursued by the applicants, in due course. He has also made reference to the various orders passed by the Courts as well as revenue authorities. In fact, it is submitted that the interim injunction, at first instance, was granted by the Court, while giving detailed reasons in the order, copy whereof is Annexure P-4. Thereafter, an application under Order 39 Rule 1 and 2 CPC was decided by the Court on 29.07.2023, after hearing both the parties and the stay order was passed in favour of the respondents. Being aggrieved, the applicants have also filed an appeal, which is pending before learned Addl. District Judge.

In the light of the aforesaid, it is submitted that application was filed by the respondents before the police authorities, only for seeking compliance of the order passed by the Court and on the basis thereupon, the applicants were called by the police authorities, only for the purposes of making an enquiry into the matter. In the given circumstances, it cannot be asserted that there is undue influence exercised by the respondents for seeking favourable orders.

Rather, it is submitted that even daughter of applicant No.1, namely,

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Manjeet Kaur Saini, is a practising Advocate in Punjab and Haryana Court. In fact, she had filed an application against the respondents, while levelling wide allegations of connivance with Sh.R.P.Dhir, Advocate, in the capacity of being President of the bar. Rather, it is pointed that the said advocate is not the President of the Hoshiarpur Bar Association. In this regard, counsel for the respondents has drawn the attention of the Court to Annexure P-7, which is a complaint filed by Manjeet Kaur Saini, whereby, she has raised allegations about the exercise of influence, at the instance of the respondents, which are claimed to be palpably wrong.

In view of the submissions aforesaid, primarily the grouse of the applicants is that the respondents are practising Advocates, at the place, where the litigation, as such, is pending, between the parties and there is apprehension in their mind, about the justice to be not delivered to them, on account of exercise of influence and also under the political intervention.

At the very outset, it is pertinent to mention that Section 24 CPC confers comprehensive power on the Court to transfer the proceedings, either on the application by any party or suo motu. However, this power is required to be exercised by the Court concerned, while dealing with the transfer application, with due care, caution and circumspection. Time and again, broad propositions have been laid down by the Courts, as to what may constitute a good 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 litigant that he might not get justice in the Court, in which the suit is pending.



While appraising the contents of the application for seeking transfer of the civil suit, the Court concerned has to appraise about the manner in which the impression of apprehension has accrued in the mind of the litigant. In the eventuality, the Court also reaches a conclusion that the litigant 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. However, the underlying purpose is that the Courts must act '**judiciously**' in ordering a transfer on the application of a party. There should not be any inhibition on the part of the Courts to accept the transfer application, where there is reasonable apprehension and the circumstances of the case, spelt out about the other party to be over-reaching or thereby throwing their weight, to such an extent, which causes bias/influence upon the Court to such an extent, which hampers the '**fair trial**' or '**conducting**' of the judicial proceedings.

In any case, being an Advocate, which is a strong factor pleaded in the present case, *ipso facto*, is no ground for transfer of the case.

Beneficial reference is made to ***D.A.V. College Hoshiarpur Society (Regd.) and another vs. D.M.Sharma and others, 2005(1) RCR (Civil) 71***, wherein, while dealing with the transfer application, this Court had observed, as herein given:-

*“6. Having heard learned counsel for the parties and perusing the record and judgments of this Court. I am of the considered view that this petition is liable to be dismissed because the principal argument raised by the learned counsel for the petitioner is untenable namely that if the litigation has been*



*initiated by an Advocate or against the Advocate that alone would be a sufficient ground for seeking transfer of proceedings Under Section 24 of the Code. This argument if accepted would have pernicious and deleterious effect on the administration of justice. In a given case there may be the possibility of establishing the relationship of a particular Advocate with the Presiding Officer and the same may constitute a ground for transfer but merely because the litigant is a practicing Advocate **without anything more** would not constitute a valid ground for transfer of the case. If such a principle is accepted; then all cases concerning members of the legal fraternity have to be contested at a place other than the one where the member of the Bar is practicing. Such a general ostracism of legal fraternity is impermissible. The Judgments of this Court which have been cited by the learned counsel do not lay down any Rule of law warranting acceptance of the prayer made.”*

The aforesaid view was further substantiated in ***Gurnam Singh and another vs. Amandeep Singh and others, 2005(2) RCR (Civil) 314.***

Also, further reference is made to the decision rendered by the Hon’ble Supreme Court in ***Anupam Ghosh and anr. vs. Faiz Mohammad and Ors., 2022(4) RCR (Civil) 297,*** wherein, one of the ground, on which the proceedings were sought to be transferred, was that the petitioners believe that they are not getting a fair trial and the respondents being local bigwigs, are able to influence the local court. However, it was observed as herein given:-

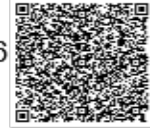
*“..... Merely because some Orders are passed on judicial side (in the present case in the execution proceedings) which*



*may be against the petitioners, it cannot be said that the Court, which passed the order was influenced. If the petitioners are aggrieved by any judicial order, the proper remedy would be to challenge the same before higher forum. But merely because some Orders adverse to them are passed by the Court, it cannot be said that the Orders on judicial side are passed under influence. Nowadays, there is a tendency to make such allegations against the judicial Officers whenever the orders are passed against a litigant and the orders are not liked by the concerned litigant. We deprecate such a practice. If such a practice is continued, it will ultimately demoralize the judicial officer. In fact, such an allegation can be said to be obstructing the administration of justice.”*

Now, adverting to the case in hand. No doubt, the interim injunction was granted by the Court, at the inception stage of the case on 31.05.2023, but this was the detailed order and in any case, the same could be challenged by any party to the litigation, who felt aggrieved. Furthermore, after hearing both the counsel, an application under Order 39 Rule 1 and 2 CPC was disposed by the Court. Feeling aggrieved, the applicants had also filed appeal, which is pending before the trial Court. In the given circumstance, so far as, the Courts are concerned, the applicants are availing the legal remedy available to them.

Now, with regard to the applicationa filed, at the instance of the respondents to the police authorities, it is also required to note that the applications, which are filed by any litigant before the police authorities, has to be enquired into by the police and on this account, when the applicants have been summoned by the police authorities, it cannot be said



that there was exercise of influence by the respondents upon the police.

Simply on the score of respondents, being Advocates, as such, do not prima facie, lead to the conclusion about the exercise of the influence, as now asserted by the counsel for the applicants. In fact, daughter of applicant No.1 is also a practising Advocate in Punjab and Haryana High Court and she can very well watch the interest of her father, in the pending litigation. In this manner, if the application filed by the respondents to the police authorities is to be considered, even, Ms.Manjeet Kaur Saini, daughter of applicant No.1 has also filed an application before the police authorities, which is coming on record. Levelling of the allegations alone, of bias being there, in itself is not sufficient. The mere fact that the litigation is between the lawyer and an ordinary citizen, cannot constitute a valid ground for transfer of the case, unless, it is further shown that the such person is likely to suffer some prejudice, at the hands of the Officer, at the helm of affairs, who is dealing with the pending litigation or to whom, any application, as such filed and is making enquiry into the same.

Considering the facts and circumstances of the case, no such bias or exercise of influence, as such, is evident. In the given circumstances, making of wide allegations of apprehension alone, as such, cannot be considered as a circumstance/material brought forth, to show about reasonable apprehension.

In the light of the same, the apprehension, as such, nurtured by the applicants, do not stand substantiated by sufficient material to make the

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Court to gather an impression, about the injustice, being done or that the applicants are deprived of the 'fair trial'.

In the fitness of the circumstances, when the applicants have the option to challenge the orders passed by the Courts or the other authorities and the same is being done, no such case is made out for acceptance of the transfer application.

Hence, the present transfer application is hereby dismissed.

**September 05, 2025**  
Vgulati

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**Yes/No**