

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****CR-1601-2025(O&M)****Date of decision: 19.03.2025****Panchayati Akhara Nirmala (Regd)****...Petitioner(s)****Vs.****Mahant Resham Singh & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Pranav Handa, Advocate  
for the petitioner.

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**NIDHI GUPTA, J.**

Present petition has been filed by the plaintiff under Articles 226/227 of Constitution of India, 1950 for setting aside order dated 09.12.2024 (Annexure P1) passed by learned Court District Judge, Patiala, in TA bearing No.161/2024 titled as "Mahant Resham Singh Vs. Panchayati Akhara Nirmala" (Annexure P2) whereby the transfer application filed by the respondent no.1/defendant, has been allowed.

2. Learned counsel for the petitioner inter alia submits that the Civil Suit filed by the petitioner has been transferred on the statement of the defendant that he has no faith in the Court. Learned counsel submits that there was no occasion for the defendant to bear the apprehension that the Court is biased as the suit was at its very initial stage. Therefore, there was no ground for the defendant to harbour any misapprehension of bias. It is accordingly prayed that the impugned order be set aside.

3. No other argument is made on behalf of the petitioner.



4. I have heard learned counsel for the petitioner and perused the case file in great detail.

5. Brief facts of the case are that on 16.10.2024, the petitioner filed the present suit for declaration (Annexure P3), against the defendant. In the said suit, the defendant had appeared on Caveat and had raised various objection, including the objection that said Civil Suit was not maintainable as mandatory notice under Section 80 CPC had not been issued by the petitioner/plaintiff to the Deputy Commissioner of Patiala before filing the suit. A perusal of the Transfer Application dated 25.10.2024 under Section 24 CPC (Annexure P2) filed by respondent No.1/defendant shows that the respondent had even questioned the locus of the petitioner to file the suit. The respondent had also pointed out to the Presiding Officer that similar relief in respect of the suit land had been sought by the plaintiff/petitioner before this Court by way of Civil Writ Petition No.27960 of 2023 in which no stay was granted, and that the said Writ Petition was pending before this Court. However, without examining the said preliminary aspects of the matter, the Presiding Officer had commenced hearing of the suit and decide the matter despite the fact that the matter is sub judice before the High Court. The respondent had further stated that on earlier occasion the Presiding Officer had already decided the stay applications in two other similar civil suits violating the orders of the High Court for which appeals were pending before the learned Additional District Judge, Patiala.

6. Thus, keeping in mind the above said submissions of the respondent No.1, the learned District Judge had called for the comments of



the Presiding Officer who, although had refuted the above said allegations of the respondent however, had stated that since the respondent had no faith in the Court, he did not wish to try the case and the same may be transferred. It was in this background that the learned District Judge, Patiala had directed that the suit filed by the petitioner, which was pending before the learned Civil Judge, Junior Division, Patiala be transferred to the Court of learned Civil Judge, Senior Division, Patiala for disposal.

7. In view of the facts noticed above, I find no infirmity in the impugned order. The present petition is hereby **dismissed**.

8. Pending application(s) if any also stand(s) disposed of.

**19.03.2025**  
Sunena

**(Nidhi Gupta)**  
**Judge**

**Whether speaking/reasoned: Yes/No**  
**Whether reportable: Yes/No**