



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

Sr. No.124

TA-1485-2024

Date of Decision: 04.09.2025

BALDEV SINGH SANDHU

....Applicant

Versus

SWEETI AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. J.C. Kapoor, Advocate
for the applicant.

Mr. P.K.S. Phoolka, Advocate
for the respondents.

ARCHANA PURI, J. (Oral)

Reply has not been filed, despite last opportunity. There is no further justifiable reason coming forth, to grant further opportunity to file reply.

Counsel for the parties heard.

The applicant-Baldev Singh Sandhu has filed the present application for seeking transfer of the civil suit i.e. CS/1262/2019, titled '*Baldev Singh Sandhu Vs. Sweeti etc.*', filed by respondent No.1, pending in the Courts at Bathinda and the applicant seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

At the very outset, it is submitted by the counsel for the applicant that the applicant is a super senior citizen, as he is 81 years of age and he is residing in SAS Nagar. However, he has been cheated by respondent No.1, who had purchased his property, vide sale deed dated 18.12.2017, for consideration of Rs.4,67,000/-. However, the sale amount



was not passed over to him. The cheque for an amount of Rs.4,67,000/- though, was given, but the same had bounced. In the given circumstances, it is submitted that the applicant was constrained to file the civil suit. Now, on account of his age, it is submitted that it is difficult for the applicant, to pursue the litigation, which is at a distance of about 200 kilometres, from his place of residence.

On the other hand, counsel for the respondents submits that the suit is at its fag end. The entire evidence, at the behest of the applicant, has already been led and now, the case is fixed for evidence of the respondent. In the given circumstances, it shall not be appropriate to transfer the case, more particularly, when it is of civil nature, which otherwise also do not require presence of the applicant, on each and every date of hearing.

On query by this Court, the fact of the evidence of applicant having already completed in the civil suit, is not disputed by the counsel for the applicant.

This is a vital fact , while considering the transfer application. The civil suit, as evident, was filed in the year 2019 and the application for seeking transfer of the same was filed on 08.11.2024. At the time, when the application was filed, the evidence of the applicant (who is plaintiff before the trial Court), had already completed. In the given circumstances, when major portion of the trial has already been conducted before learned trial Court and more particularly, which was at the stage, where the applicant was also required to appear as a witness, now in the subsequent phase of the case, the applicant otherwise also, is not required to make appearance, on each and every date of hearing, as the litigation is of civil nature.

On further query, it has also been disclosed that the applicant



has already engaged the counsel. In the given circumstances, conducting of proceedings, at his instance, can very well be taken care of by the counsel representing him before the trial Court.

Considering the aforesaid circumstances, it shall not be appropriate for this Court, to disturb the jurisdictional balance, at the stage, when the major portion of proceedings has already been conducted. As such, no ground is made out for transfer of the civil suit.

Hence, the transfer application is hereby dismissed.

But anyhow, considering the applicant to be a super senior citizen, the applicant always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

04.09.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No