



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

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TA-1101-2025 (O&amp;M)

Date of Decision: September 03, 2025

Vinod Thapar

....Applicant

Versus

Dharminder Mehra

.....Respondent

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

Present:- Ms.Puja Chopra, Advocate  
for the applicant.

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**ARCHANA PURI, J.**

The applicant has filed the present application for seeking transfer of the Rent Appeal, filed at his instance, bearing No.RA-190-2019, titled 'Vinod Thapar vs. Dharminder Mehra'. The aforesaid appeal is pending before Sh.Jaspinder Singh, ADJ, Ludhiana and the applicant seeks transfer of the same to some other Court of competent jurisdiction at Ludhiana.

At the very outset, it is submitted by learned counsel for the applicant that applicant is a tenant, vis-a-vis, property, qua which the eviction order was passed. Being aggrieved, the applicant had filed Rent Appeal No.190-2019, which is pending in the Courts at Ludhiana. However, during the pendency of the said appeal, the applicant had filed an

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application for seeking amendment of the written statement, in order to incorporate subsequent events and the same was dismissed by the trial Court vide order dated 18.10.2024. To assail the aforesaid order, the applicant had filed CR-7261-2024 before this Court and vide order dated 17.12.2024, this Court had granted liberty to the applicant to move an application under Order 41 Rule 27 CPC before the Appellate Court. The copy of the said order is Annexure P-1.

Furthermore, it is submitted by learned counsel for the applicant that when an application under Order 41 Rule 27 CPC was filed on 19.03.2025, the Appellate Court had adjourned the hearing of the appeal to 17.04.2025, for filing reply. On 17.04.2025, the reply was not filed and the case was adjourned for 02.05.2025. On 02.05.2025, reply was filed to the application for additional evidence and learned ADJ, Ludhiana, rather deciding the application for additional evidence, at first instance, had adjourned the matter to 25.05.2025, to address the arguments in the main appeal along with application to lead additional evidence.

Further, learned counsel submits that on 02.05.2025 itself, after receiving the reply, the Appellate Authority had directed the applicant to address the final arguments on the appeal itself and it was only after the request made by counsel for the appellant (applicant) that the matter was adjourned to 23.05.2025 for arguments, on the application for leading additional evidence as well as the main appeal.

Also, counsel for the applicant submits that during the course of hearing on 02.05.2025, the Presiding Officer had stated in the Court that on

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23.05.2025, both the application as well as the main appeal will be dismissed.

In the given circumstances, counsel for the applicant submits that landlord had already fled to Canada and therefore, this subsequent event is very essential to be brought on record, before the decision of the rent appeal. In fact, it is submitted that the applicant had asked the counsel to file an application for transfer of the aforesaid appeal, as he entertains reasonable apprehension of bias, in favour of the respondent-landlord, in view of the facts and circumstances, surrounding the hearing on 02.05.2025.

Thereupon, an application for seeking transfer of the case from the Court of Sh.Jaspinder Singh, ADJ, Ludhiana to some other Court of competent jurisdiction was filed. However, learned District Judge had dismissed the said application vide order dated 05.08.2025, copy whereof is Annexure P-5.

It is submitted by learned counsel for the applicant further that since the bias at the behest of learned Addl. District Judge is self-evident, on his insistence to decide the application along with main appeal, it will cause serious prejudice to the rights and remedies of the applicant. Therefore, the present application, as such, has been filed.

After hearing learned counsel for the applicant and going through the material on record, this Court is not inclined, even to issue notice to the respondent, for the reasons coming forth as herein given.

At the very outset, it is pertinent to mention that Section 24 CPC empowers the High Court or District Court to transfer inter-alia any



suit, appeal or other proceedings, pending before it or in any Court subordinate to it, for trial or disposal. This provision confers comprehensive power on the Court to transfer suits, appeals or other proceedings 'at any stage', either on an application filed by any party or suo motu. But in any case, it is well settled that there is no cast iron formula, unanimously applicable to all the situations. Various circumstances, coming forth, during the course of trial of the case, ought to be taken into consideration. In the given circumstances, it is incumbent upon the Court, to which the application for transfer has been filed, to exercise this power, 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 to be taken into consideration and amongst the same, the foremost to be relevant for the present application is reasonable apprehension, created in the mind of the litigant that he might not get justice in the Court, in which the suit is pending, on account of bias, being there, on the part of Presiding Officer.

However, considering the various circumstances, if the Court feels that litigant, who knocks the door of the Court, is not likely to have a 'fair trial' in the Court, from which, he seeks to transfer, it is not only the power, but duty of the Court to make such an order of transfer. The judicial discretion has to be exercised by the Court, while dealing with the transfer application, while considering the facts and circumstances of the case concerned. Anyhow, the underlying purpose is that the Courts must act



**‘judiciously’** in ordering a transfer on the application of a party.

At the same time, it ought to be taken into consideration that making of wide allegations of apprehension is not alone sufficient. There has to be some circumstances/material brought forth, to show about the reasonable apprehension.

In the case in hand, solely, on account of application for additional evidence, having been ordered to be taken up together with the main appeal, for arguments, in itself, is no reason to seek transfer of the case. The law is well settled that the application for additional evidence is to be considered, at the time of hearing of the appeal on merits also, so as to find, whether the proposed additional evidence is relevant or having bearing on the issue involved. The admissibility of the additional evidence does not depend upon the relevancy to the issue in hand or on the fact, whether the applicant had an opportunity for adducing such evidence, at the earlier stage or not, but also depends upon, whether the Appellate Court requires the evidence, sought to be adduced, to enable it to pronounce the judgment or for any other substantial cause.

In the given circumstances, the application for additional evidence, having adjourned, together to be taken up with the main appeal, does not make out a ground for Presiding Officer to be biased against any party to the litigation, pending before the said Court. If, in the eventuality of the applicant, being aggrieved by the order, as such, passed by the Court, he had an option to assail the order, in accordance with law. However, on query by the Court, it is submitted by learned counsel that nowhere, the

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order, as such, passed by the Court, was challenged by the applicant. Considering the same, it is presumptuous apprehension, on the part of the applicant, which is not supported by any genuine circumstances. Raising of such apprehension without any substance, is not acceptable.

A party, who has any kind of grievance, has to make out, that this apprehension is reasonable, giving rise to the impression that justice will not be done. He is not required to demonstrate that justice will inevitably fail. But, at the same time, he has to pin-point the circumstances, from which, an impression can be gathered by this Court that it is reasonable, in view of the circumstances, pointed out that the case ought to be transferred, so as to remove this apprehension.

Furthermore, counsel for the applicant has submitted that it was declared by the Presiding Officer, while holding Court on 02.05.2025 that on the next date, i.e. 25.05.2025, both the application as well as the appeal, shall be dismissed. However, this contention also does not hold good. It does not sound to be logical that the Presiding Officer, if he had been approached by the other side or for one reason or other, was nursing grievance, would openly proclaim in this manner. Further, if there was any malafide intention, on the part of the Presiding Officer, for one reason or the other (though it is not evident), then he would have preferred to maintain silence, than proclaim in such a manner.

Considering all the aforesaid circumstances, this Court has also gone through the order passed by learned District Judge, copy whereof is Annexure P-5 and learned District Judge has very appropriately considered

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the grievance of the applicant and also further considered the anxiety, on the part of the Presiding Officer to proceed with the case, solely, on account of it being five year old case and that too, falling in the action plan.

In the given circumstances, the wide allegations as levelled aforesaid, do not stand substantiated by any sufficient material, which makes out a case for acceptance of the transfer application. Hence, the present transfer application is hereby dismissed.

**September 03, 2025**  
Vgulati

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

Whether speaking/reasoned  
Whether reportable

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