

TA-514-2025 (O&M) AND TA-1100-2024 (O&M)

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

Sr. No.119 (2 cases)

Date of Decision: 28.08.2025

1.

TA-514-2025 (O&M)

ONKAR SINGH @ OMKAR AND OTHERS

....Applicants

Versus

MAHANT SITARAM DASS

....Respondent

2.

TA-1100-2024 (O&M)

JANAK RAJ AND OTHERS

....Applicants

Versus

MAHANT SITARAM DASS

....Respondent

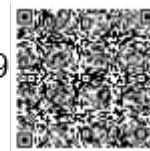
CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gaurav Datta, Advocate
for the applicants (in both the cases).

Mr. Vishal Sharma (Vasudeva), Advocate
for the respondent (in both the cases).

ARCHANA PURI, J. (Oral)**CM-17206-CII-2025 IN TA-514-2025**

The present application has been filed at the behest of the applicants, for placing on record rejoinder.



TA-514-2025 (O&M) AND TA-1100-2024 (O&M)

In view of the averments made in the application, same is allowed and the requisite rejoinder is taken on record.

Main case

These are two transfer applications, filed at the instance of Onkar Singh @ Omkar & others and Janak Raj and others, thereby seeking transfer of two civil suits, filed by Mahant Sitaram Dass.

TA-514-2025 has been filed for seeking transfer of the civil suit i.e. CS/79/2025, titled '*Mahant Sitaram Dass Vs. Onkar Singh and others*'.

TA-1100-2024 has been filed for seeking transfer of the civil suit i.e. CS/461/2024, titled '*Mahant Sitaram Dass Vs. Janak Raj and others*'.

Both the aforesaid suits are pending in the Courts at Garhshankar, District Hoshiarpur and the applicants seek transfer of the same to any Court of competent jurisdiction at Nawanshahr or Balachaur, District SBS Nagar.

In pursuance of the notice issued, respondent made appearance through counsel in both the applications and filed respective replies. Even, rejoinder has been filed in TA-514-2025.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicants that there is Samadian Shiv Mandir Qila, in village Lasara (Thapal), Tehsil Garhshankar, District Hoshiarpur. Relating to the said property, Mahant Sitaram Dass, had filed a suit, at first instance, for issuance of permanent injunction, through Madhu Bala, who is a practising lawyer at Garhshankar. On this account, the counsel for the applicants submits that

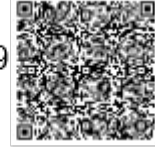


TA-514-2025 (O&M) AND TA-1100-2024 (O&M)

proceedings under Section 164 of Bharatiya Nagarik Suraksha Sanhita, 2023 (107/151 Cr.P.C.) initiated, are pending before the Sub-Divisional Magistrate, but however, to back the prayer of Madhu Bala, the entire Bar of Garhshankar had refrained from work. In this regard, counsel for the applicants has drawn the attention of this Court, to the newspaper clipping, copy whereof is Annexure P-4. In the given circumstances, it is submitted that since Madhu Bala, holds considerable influence upon the local Bar, the applicants have an apprehension of not getting justice, in the aforesaid case, on account of exercise of such influence by her. Furthermore, it is submitted that DDR No.19 dated 24.08.2024, under Sections 115(2), 3 (5) of Bharatiya Nyaya Sanhita, was got lodged by the applicants, copy whereof is Annexure P-5. While drawing the attention of this Court to Annexure P-3, it is pointed out that party No.2 in the said Kalandra is Madhu Bala wife of Sushil Kumar and her husband, as well as various other members of her in-laws' family.

In the given circumstances, to rule out any exercise of influence, at the instance of Madhu Bala, singularly or conjointly with the Bar members, a prayer has been made for acceptance of the transfer applications.

On the other hand, counsel for the respondent, while making reference to the reply filed, submits that false transfer applications have been filed, only with a purpose to delay the proceedings of the civil suits. In fact, it is submitted that the suits have been filed by Mahant Sitaram Dass, Chela of Mahant Avantika Giri, Chela Mahant Ram Giri and Madhu Bala is only one of the follower of the respondent. In the light of the same, it is submitted that there cannot be any exercise of influence, at the instance of



TA-514-2025 (O&M) AND TA-1100-2024 (O&M)

Madhu Bala, as she has no interest, as such. Furthermore, it is submitted that earlier DDR was got registered on 24.08.2024, on the statement of Mahant Sitaram Dass, against the present applicants and therefore, the fault lies, on the part of the applicants. In the light of the same, it is submitted that no case is made out for transfer of the case.

In view of the rival submissions aforesaid, it is pertinent to mention that while considering the application for transfer of any judicial proceeding, various circumstances ought to be taken into consideration. There is no cast iron formula, for considering the transfer applications. Each case has to be decided on its own facts and circumstances. One distinctive circumstance, in any case, may lead to a different decision in the transfer application. But anyhow, underlying principle is that *'justice should not only be done, but it should also appear to have been done'*. There is a categorical assertion of the applicants, about apprehension of exercise of influence, at the instance of Madhu Bala, member of the local Bar at Garhshankar. However, it may not be so, as the Courts are required to work, without influence of any person and give a decision, in accordance with law. However, when the entire Bar had gone on strike, as evident from Annexure P-4, which is memorandum given by the Bar to the Sub-Divisional Magistrate, the reason for apprehension in the minds of the applicants, is seemingly genuine. The interference of the Bar, cannot be ruled out, though it may be with the sole purpose to support the Bar member. This is definitely going to cause inconvenience to the applicants, at one moment or the other.

Considering the aforesaid circumstances and balancing the



TA-514-2025 (O&M) AND TA-1100-2024 (O&M)

convenience/inconvenience of both the sides, both the transfer applications i.e. TA-514-2025 and TA-1100-2024 are partly allowed and the civil suit i.e. CS/79/2025, titled '*Mahant Sitaram Dass Vs. Onkar Singh and others*' and the civil suit i.e. CS/461/2024, titled '*Mahant Sitaram Dass Vs. Janak Raj and others*', filed by the respondent, stand transferred from the Courts at Garhshankar, to the Court of competent jurisdiction at Hoshiarpur. The requisite records of the aforesaid cases be sent by the Court concerned, to the District and Sessions Judge, Hoshiarpur.

Learned District and Sessions Judge, Hoshiarpur, shall assign the said cases to the Court of competent jurisdiction at Hoshiarpur. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

28.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No