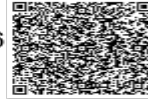


**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****118****CR-6412-2025 (O&M)
Date of decision: 12.09.2025****Harbans Singh****...Petitioner(s)****Vs.****Pooja Rani****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Ajay Jain, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the defendant seeking setting aside of the order dated 26.08.2025 passed by the learned District Judge, Sirsa; whereby application dated 16.07.2025 (Annexure P-3) moved by the petitioner under Section 24 CPC for transferring the civil suit to another court, has been dismissed.

2. Learned counsel for the petitioner submits that the impugned order deserves to be set aside as there is serious and bonafide apprehension of bias in the mind of the petitioner. It is submitted that despite the gravity and complexity of the case, the trial Court had been repeatedly denying sufficient opportunity to the petitioner to produce material evidence. It is submitted that the plaintiff evidence had been closed on 14.10.2024; whereafter the defendant



evidence had commenced on 22.11.2024. Learned counsel refers to the zimni orders as reproduced in the body of the petition to submit that a perusal of the said zimni order shows that each time defendant witnesses were summoned by issuing bailable warrants against them. Learned counsel contends that as the defendant witnesses are being called through bailable warrants, the petitioner cannot have favourable deposition from such witnesses. It is reiterated that thus, there is serious and bonafide apprehension of bias and accordingly prayer for transfer of civil suit was made.

3. Ld. Counsel further relies upon judgment of the Hon'ble Supreme Court in **Kulwinder Kaur @ Kulwinder Gurcharan Singh vs. Kandi Friends Education Trust and others (SC) Law Finder Doc Id# 137646** to submit that it has been held therein that transfer petition ought to be allowed in case there is "*reasonable apprehension in the mind of litigant that he might not get justice in the Court in which the suit is pending.*"

4. It is accordingly prayed that the present Civil Revision Petition be allowed; and the impugned order be set aside.

5. No other argument is raised on behalf of the petitioner. I have heard learned counsel and perused the case file in great detail. I find no merit whatsoever in the submissions made on behalf of the petitioner.

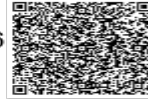
6. The respondent/plaintiff had filed a civil suit for possession by way of specific performance of the Agreement to Sell dated



27.02.2018 (Annexure P-1). The suit property was sold for a total sale consideration of Rs.3,02,50,000/- of which the plaintiff had paid Rs.75 lacs as earnest money. Issues were framed in the matter vide order dated 28.07.2022. Thereafter, plaintiff closed evidence on 14.12.2024. The first date of evidence of defendant is 22.11.2024. The present application for transfer (Annexure P-3) was filed on 16.07.2025.

7. Perusal of the application (Annexure P-3) shows that the petitioner has sought transfer on the ground that *“That the applicant has serious and bona fide apprehensions of bias in the present court. Despite the gravity and complexity of the case, the learned Trial Court has been repeatedly denying sufficient opportunity to the applicant to produce material evidence.”* On The other hand, during arguments, it has been submitted by the petitioner that defendant witnesses are being summoned throughailable warrants on every date of hearing. Therefore, on the one hand, petitioner is stating that learned trial Court has been repeatedly denying sufficient opportunity to the petitioner to produce material evidence; whereas on the other hand, petitioner is objecting to the learned trial Court summoning defendant’s witnesses throughailable warrants to ensure their presence.

8. Furthermore, a perusal of the zimni order shows that defendant witnesses have been summoned throughailable warrants only on 30.01.2025 and 10.03.2025. Thereafter the petitioner filed an application that theailable warrants issued vide order dated 10.03.2025 be withdrawn. Accordingly, on 08.04.2025, learned trial



Court has duly withdrawn theailable warrants; and on the dates thereafter being 21.04.2025, 04.07.2025 and 18.07.2025 has not issuedailable warrants for summoning of defendant's witnesses and has directed that remaining evidence of the defendant be produced at his own responsibility. Perusal of the zimni orders further shows that there is no delay in progress of trial. Thus, the grounds raised by the petitioner for seeking transfer are utterly unsubstantiated and without credence.

9. It is unfortunate that rules of procedure which are handmaids of the justice system are misused to delay and protract trial for own ends and means.

10. Accordingly, I find no error in the impugned order. Hence, the present Civil Revision Petition stands **dismissed**.

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

12.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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