

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

(i) TA-659-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and another

...Respondents

(ii) TA-669-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents

(iii) TA-670-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and another

...Respondents

(iv) TA-711-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and another

...Respondents

(v) TA-712-2023 (O&M)

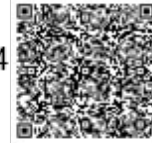
Manjit Singh and others

...Applicants

VERSUS

Satya Devi and another

...Respondents



TA-659-2023 and connected cases

(vi) TA-713-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and another

...Respondents

(vii) TA-714-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents

(viii) TA-718-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents

(ix) TA-719-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi

...Respondent

(x) TA-723-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents



TA-659-2023 and connected cases

(xi) TA-781-2023 (O&M)

Manjit Singh and another

...Applicants

VERSUS

Satya Devi and others

...Respondents

(xii) TA-784-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents

(xiii) TA-785-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents

(xiv) TA-939-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents

(xv) TA-1331-2023 (O&M)

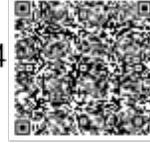
Manjit Singh and others

...Applicants

VERSUS

Vikas Garg and others

...Respondents

**TA-659-2023 and connected cases****(xvi) TA-1332-2023 (O&M)**

Manjit Singh and others

...Applicants

VERSUS

Amit Kumar and another

...Respondents

(xvii) TA-1333-2023 (O&M)

Manjit Singh and another

...Applicants

VERSUS

Vikas Garg and others

...Respondents

(xviii) TA-1337-2023 (O&M)

Manjit Singh and another

...Applicants

VERSUS

Satya Devi and others

...Respondents

(xix) TA-1349-2023 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and another

...Respondents

(xx) TA-1388-2023 (O&M)

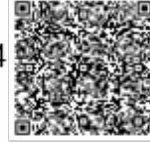
Manjit Singh and others

...Applicants

VERSUS

Vikas Garg and others

...Respondents



TA-659-2023 and connected cases

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(xxi) TA-1438-2024 (O&M)

Manjit Singh and others

...Applicants

VERSUS

Satya Devi and others

...Respondents

(xxii) CRM-M-27231-2024 (O&M)

Manjit Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

Date of Decision: February 18, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

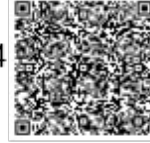
Present: Mr.Amandeep Singh Jawandha, Advocate
for the applicants.

Ms.Archana Arora, Advocate for
Dr.Rau P.S.Girwar, Advocate
for respondent-Satya Devi.

Mr.Vipin Yadav, Addl. Advocate General, Punjab
for the respondent-State.

ARCHANA PURI, J.

These are bunch of transfer applications filed by the applicant-
Manjit Singh and others, thereby seeking transfer of the various cases filed
at their instance and filed at the instance of one of the respondent-Satya
Devi, which are pending before the Courts at Phul, District Bathinda, and

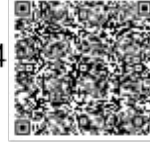
**TA-659-2023 and connected cases****-6-**

they seek transfer of the same to the Court of competent jurisdiction at Moga or any other Court of competent jurisdiction, out of District Bathinda.

As the core facts are similar in all the cases, thus, for the reproduction of the transfer applications and the reply filed, the lead case is taken to be **TA-659-2023**.

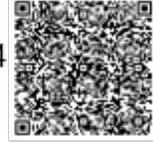
It is averred in the application that civil suit No.17 of 2020 has been filed by respondent-Satya Devi, which is a suit for declaration, mandatory injunction and permanent injunction against the applicants. Copy of the said suit is Annexure P-1. Written statement was filed by the applicants-defendants. The son of respondent-Satya Devi, namely, Sh.Vikas Garg, during the pendency of the suit, became an Advocate and he became member of the Bar Association of Phul, District Bathinda. Further, it is also averred that respondent and her family members have filed large number of cases against the applicants. There are as many as 10 cases filed by the respondents against the applicants, in a single day.

It is further averred that in spite of old age, the applicant is defending the cases by engaging different counsel. In the month of January 2023, it came to knowledge of the applicants that the Bar Association of Phul, District Bathinda had passed a resolution, vide which, it was prohibited for any member of the Phul Bar Association to appear in any case, in which the opposite party is also the member of the Phul Bar Association, District Bathinda. Due to this reason, the advocate representing the applicants withdrew his power of attorney from various cases, in which, Vikas Kumar was opposite party. The copy of order of said withdrawal of power of attorney has been annexed as Annexure P-2.



Also, it is averred that applicants had filed an application dated 13.03.2023 under the Right to Information Act, 2005, for getting the copy of the resolution dated 30.01.2023, vide which the members of the Phul Bar Association were restrained from appearing in the Court cases, in which, the party is also the member of Phul Bar Association. However, when no response was given to the applicants, on the said application, an appeal before the Right to Information Commission, Punjab was filed on 02.05.2023, which remained pending. Further, it is also mentioned that on earlier occasion, when the applicants had got registered FIR against Vikas Garg and his family members, the Bar Association Phul, had written a letter on the letter head of Bar Association Phul to the Senior Superintendent of Police, Bathinda, for cancellation of the FIR, in which the applicants are the complainants. The very act and conduct of the Bar Association shows that the office bearers of the Bar Association of Phul, were bent upon to protect their colleague, namely, Vikas Garg, Advocate. It is surprising that then President of the Bar Association, Phul, had not only requested for cancellation of FIR against Vikas Garg and his family members, but also sought direction for registration of the FIR against the applicants. The copy of the letter written to SSP, Bathinda, dated 22.01.2022 is Annexure P-5.

In the given circumstances, it is further submitted that on account of the resolution passed by Phul Bar Association, the members of Phul Bar Association are not willing to contest the cases, on behalf of the applicant and his family members. Thus, the applicants had filed the present applications for seeking transfer of the civil suits from the Court at Phul, District Bathinda to the Court of competent jurisdiction at Moga or any other



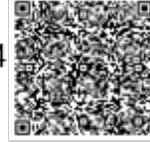
TA-659-2023 and connected cases

-8-

Court of competent jurisdiction, out of District Bathinda, in the interest of justice.

In pursuance of the notice issued, respondents made appearance through counsel and filed reply, wherein, besides raising legal objections, also it was asserted that the applicants tried to jump over the original jurisdiction. Applicant-Manjit Singh is habitual of making false and forged documents, only to grab the property of respondent-Satya Devi. Respondent-Satya Devi is a widow and senior citizen. The applicants sought stay on private building of respondent-Satya Devi, without making party in the suit, from the Court of Sh.Ravneet Singh, Civil Judge (Jr. Divn.), Phul and now the same officer is shifted in District Moga and holding the Court of Civil Judge (Sr. Divn.), Baghapurana, District Moga. The applicants are seeking transfer of the cases from Phul to District Court Moga, only to get the favourable order. So, they are seeking transfer from Phul Courts to Moga Courts and the Bar Association Phul is separate association from District Bar Association, Bathinda, but the applicants are cleverly seeking the transfer from Phul Court to District Court Moga.

Even, the applicants have filed the applications, on false and baseless grounds, as the son of applicant-Manjit Singh is PCS Officer, who is working in Excise Department and he is high headed person. Even, the applicants are trying to manipulate the record of Municipal Corporation, Bathinda, with the help of this son. Also, it is averred that under the influence only, false FIR has been registered by the police qua property No.B31/27 under Section 82 of the Registration Act, Police Station City Rampura, Bathinda. So, the Phul Bar Association submitted representation

**TA-659-2023 and connected cases****-9-**

through Bar for illegal arrest of Vikas Garg Advocate, without giving notice under Section 41A Cr.P.C. Even, the police registered the case by ignoring the revenue record and the original record of the property.

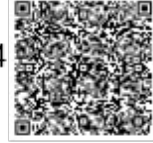
As such, a prayer was made for the dismissal of the transfer applications.

It is pertinent to mention that in some of the cases, replies have been filed at the instance of Satya Devi, who has been impleaded as one of the respondent. However, learned counsel for the respondent(s) stated at bar that the reply filed in TA-659-2023, be considered as reply on behalf of other respondents in all the cases.

Learned counsel for the parties heard.

At the very outset, learned counsel for the applicants submitted that the civil suits may be transferred, as there is reasonable apprehension, in the mind of the applicants that they may not get justice, if the case remain pending in the Courts at Phul. Also, it is submitted that it is not on account of any grievance against the Presiding Officer, but however, it is on account of the unruly behaviour of the local Bar. In fact, learned counsel submitted that the Bar Association Phul had written a letter to the SSP, Bathinda. In the subject, it is mentioned that it is regarding the fair investigation and cancellation of the FIR No.9 dated 20.01.2002 under Section 82 of the Registration Ac, 1908, 120-B IPC, Police Station City Rampura, District Bathinda, registered against Bar member Vikas Garg, Advocate and his family members and also asserted about the FIR to be abuse of process of law.

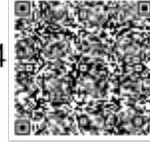
While making reference to the contents of the said letter, it is



submitted that the local Bar had gone much ahead of expressing solidarity with Vikas Garg and apart from fair investigation, they sought cancellation of the FIR and issuance of direction against complainant-Manjit Singh and others, for registration of a case for concealment of true facts, qua sale deed dated 30.06.1962 as well as making two forged deeds in a planned manner, only to grab valuable property of the Bar member. It is submitted that the Bar has not limited its assertions. Rather, it had asserted about the matter to be adjudicated by the police and the case be cancelled and also sought initiation of action against the complainant i.e. Manjit Singh.

Not only this, learned counsel for the applicants has also drawn the attention of the Court to the resolution dated 30.01.2023, wherein, it was resolved in the meeting held under the President of the Bar Association Phul that anyone of them, will not be appearing in any type of case against any member of the Bar Association or their children or parents. Consequently, it has also been pointed that the Advocate, who was earlier making appearance on behalf of the applicants, had since withdrawn the power of Attorney. In this regard, reference is made to Annexure P-2, wherein, withdrawal of the Power of Attorney has been recorded by the Presiding Officer, in the zimini order dated 06.02.2023.

Thus, summing up the aforesaid submissions, it is submitted that there is reasonable apprehension in the mind of the applicants that they may not get justice, if the cases remain pending in the Courts at Phul, as the Bar itself, is all out to help the family of Satya Devi respondent and shall wield their own influence, with regard to the voluminous litigation, pending between the parties.



On the contrary, learned counsel for respondents, while making reference to reply to the applications, contends that false and scandalous allegations have been levelled by the applicants against the respondents, which are factually incorrect. In fact, it is submitted that orders are never passed by the Courts, to the directed choice of the parties. In fact, he submits that the applications are devoid of merit and they are laced with malice, as the applicants are all out to seek the transfer of the case to District Moga, solely, on account of Presiding Officer, who was earlier posted in Phul, having been managed to obtain the stay from him and now that officer is posted in District Moga. This transfer is sought only to get favourable order.

As such, a prayer has been made for dismissal of the transfer applications.

Before proceeding further, it is pertinent to mention that while dealing with four transfer applications i.e. TAs-1331, 1332, 1333, 1337-2023, in the order dated 11.10.2023, the Coordinate Bench of this Court had made reference to the resolution passed by Bar Association Phul, which was reproduced in the order and the same is reproduced in verbatim, as hereinunder:-

“Today on dated 30-1-2023, a General house meeting is held under the president ship of Sh. Ritesh Singla Advocate. In the general house meeting it is unanimously passed that no advocate from The Bar association Phul will file or appear in any type of case against any other member of Bar association Phul as well as will not appear against the parents and children of the Bar member of Bar association Phul for the Integrity, unity and for the welfare of Bar members.”



Also, it was observed in the aforesaid order by this Court that the aforesaid resolution is signed by Mr.Ritesh Singla, Advocate as President, Mr.Resham Singh Khaira, Advocate as Vice President, Mr.Chand Singh Bhullar, Advocate as Secretary, Mr.Goldy Singh Ladhar, Advocate as Joint Secretary and Mr.Amandeep Talwar, Advocate as Treasurer.

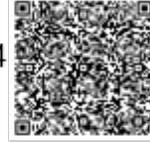
Further, it was observed that on the face of it, the aforesaid resolution is per se illegal. While issuing notice of motion, it was further directed by the Coordinate Bench that the Registry to issue notice to the aforesaid office bearers of Bar Association, Phul, District Bathinda, as well, to explain under what circumstances, such resolution has been passed. Furthermore, it was also ordered that photocopy of the order be placed on the file of other connected cases.

In consonance with the aforesaid order, the office bearers of Bar Association Phul had not made appearance before this Court. Even today, none has appeared on their behalf. Only Mr.Devinder Singh Khurrana, Advocate, made appearance on behalf of the President of Bar Association Phul, alone and submits that the resolution has since been withdrawn.

May it be so. The question arises, as to why such kind of resolution was passed. Relating to the same, there is no explanation, as such, coming forth, from any of the office bearers.

Considering the same, the question arises, as to whether the cases ought to be transferred or not.

Section 24 of the CPC empowers a High Court or a District Court to transfer *inter alia* any suit, appeal or other proceeding, pending



before it or in any Court, subordinate to it, to any other Court for trial and disposal. The said provision do confer comprehensive power on the Court to transfer suits, appeals or other proceedings, at any stage 'either on an application by any party or suo motu'. No doubt, it is the discretionary power of transfer of cases, but however, such power has to be exercised with due care, caution and circumspection. Reading of Sections 24 and 25 of the Code together and keeping in view various judicial pronouncements, certain broad propositions, as to what may constitute a ground for transfer, have been laid down by Courts, time and again. However, the cardinal principle for the exercise of power under Section 24 CPC, is that the 'ends of justice' demand the transfer of the suit, appeal or other proceeding.

Beneficial reference is made to ***Kulwinder Kaur @ Kulwinder Gurcharan Singh vs. Kandi Friends Education Trust and Others, 2008 AIR Supreme Court 1333***, wherein, observations were made with regard to the various circumstances, which ought to be taken into consideration, while dealing with the application of transfer of suit, appeal or other proceeding, as herein given:-

“Although the discretionary power of transfer of cases cannot be imprisoned within a strait-jacket of any cast-iron formula unanimously applicable to all situations, it cannot be gainsaid that the power to transfer a case must be exercised with due care, caution and circumspection. Reading Sections 24 and 25 of the Code together and keeping in view various judicial pronouncements, certain broad propositions as to what may constitute a ground for transfer have been laid down by Courts. They are balance of convenience or inconvenience to plaintiff or defendant or witnesses; convenience or inconvenience of a particular place of trial having regard to the nature of evidence

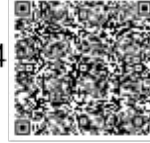


on the points involved in the suit; issues raised by the parties; reasonable apprehension in the mind of the litigant that he might not get justice in the court in which the suit is pending; important questions of law involved or a considerable section of public interested in the litigation; interest of justice demanding for transfer of suit, appeal or other proceeding, etc. Above are some of the instances which are germane in considering the question of transfer of a suit, appeal or other proceeding. They are, however, illustrative in nature and by no means be treated as exhaustive. If on the above or other relevant considerations, the Court feels that the plaintiff or the defendant is not likely to have a fair trial in the Court from which he seeks to transfer a case, it is not only the power, but the duty of the Court to make such order.”

Thus, the paramount consideration is to see that justice according to law is done. In this regard, beneficial reference is made to ***Dr.Subramaniam Swamy vs. Ramakrishna Hegde, 1990(1) SCC 4***, wherein, it was observed as herein given:-

“xxxx. But the paramount consideration must be to see that justice according to law is done, if for achieving that objective the transfer of the case is imperative, there should be no hesitation to transfer the case even if it is likely to cause some inconvenience to the plaintiff. The petitioner's plea for the transfer of the case must be tested on this touchstone.”

Now, advertng to the case in hand. The resolution passed by Bar Association Phul is a blanket order passed by the Bar Association, irrespective of the claims at stake of the Bar members or of the protection of the interest of other litigants, who are supposed to seek assistance from the Bar members, to defend the litigation, at their instance. Definitely, it is



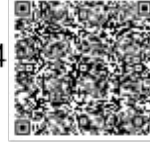
against the ethics of the advocacy, to pass such a resolution.

Not only this, even, the Bar Association Phul, qua the FIR registered against Vikas Garg, Advocate, who is son of Satya Devi-respondent, wrote a letter to the SSP, Bathinda, thereby, demanding release of the Advocate and also seeking cancellation of the FIR got registered against him and his family members and also for initiation of action against complainant of the case i.e. Manjit Singh-applicant No.1.

No doubt, the Bar members also can approach the SSP, Bathinda for redressal of their grievance about the manner of arrest of their colleague, but however, close perusal of this letter reveals that the Bar Association Phul, went much ahead, of showing solidarity with their colleague. In fact, tone and tenor of the letter, so written, reveals that it had gone step further and sought adjudication from the police authorities for the cancellation of the FIR and for registration of the case against the complainant Manjit Singh.

This, in itself, smells of Bar, being hostile towards the complainant side and standing as a rock, with their Bar member. It is not so required for the dispensation of justice. Assurance of fair trial is the first imperative of dispensation of justice. No doubt, various members of the Bar may also be entangled with legal battles with the other members of the public, but this surely do not call for the transfer of the cases, outside the place, where the member of the Bar is entangled in such litigation. But however, the facts and circumstances of each case, which is sought to be transferred, ought to be taken into consideration.

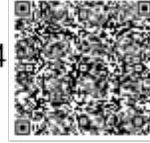
No such straight jacket formula can be applied for the exercise



of power of transfer of the case by the Court concerned. It is only for this reason that wide discretion has been given to the authorities to exercise the power of transfer of the case. The paramount consideration must always be to see that the justice, according to law, is done. Circumstantial flexibility, ought to be there, one additional or different fact, may make a world of difference between the conclusions, in two cases, vis-a-vis, transfer application. Each case depends on its own facts and close similarity between one case and another, is not enough because even a single significant detail, may alter the entire aspect in deciding such cases.

Considering this note of caution, this Court has thoroughly gone through the resolution as well as the applications and considering the recitals of the same, it becomes quite obvious that applicants, may not be able to pursue/defend their cases, in the Courts at Phul, with the legal assistance rendered by the Advocates of the local Bar. It is in this context and also to vouchsafe the interest of the applicants, about 'assurance of fair trial', and to enable them to pursue the litigation, without facing any undue hardship or harassment, at the instance of the respondents, on the basis of the back support of the local Bar, this Court, deems it appropriate to transfer the cases, outside the jurisdiction of the Courts at Phul.

No doubt, Sh.Devinder Singh Khurrana, Advocate, who made appearance on behalf of the President, Bar Association Phul, stated that the resolution in question has since been withdrawn, but may it be so. It is pertinent to mention that the resolution in question has been signed by good number of Advocates. Even though, they may not be supporting this resolution or of withdrawal of the same, but however, an element of



hesitation is bound to be there, to be engaged as a counsel for the applicants. Considering the same, the withdrawal of the resolution, as such, matters not much, at this stage.

Even though, it has been emphatically submitted by learned counsel for the respondents about the false cases to have been registered against Vikas Garg and his family members, but however, falsity or genuineness of the litigation, at the behest of the applicant side against Vikas Garg etc., shall be adjudicated by the Courts concerned and regarding the same, this Court is not inclined to comment upon the same, while dealing with the transfer applications.

Thus, in the light of the aforesaid observations, all the transfer applications, are hereby allowed.

Even though, the transfer applications are accepted, but however, the cases ought not to be transferred to the Courts at Moga, where the applicants, at first instance want. The applicants cannot chose the place, where their cases shall be transferred. On the same parameters, as observed aforesaid, to avoid any apprehension raised in the mind of the respondents also, about the exercise of influence by the applicants also, all the litigation, which forms the basis of the present transfer applications, stands transferred from the Courts at District Phul to District Patiala.

In view of the aforesaid orders, various cases, as mentioned in the list below, stand transferred:-

Civil Suit No.17 of 2021	Satya Devi vs. Manjit Singh and others
Civil Suit No.16 of 2021	Satya Devi vs. Manjit Singh and others
Civil Suit No.19 of 2021	Satya Devi vs. Manjit Singh and others
Civil Suit No.22 of 2021	Satya Devi vs. Manjit Singh and others
Civil Suit No.15 of 2021	Satya Devi vs. Manjit Singh and others



Civil Suit No.14 of 2021	Satya Devi vs. Manjit Singh and others
Civil Suit No.20 of 2021	Satya Devi vs. Deputy Commissioner and others
Civil Suit No.24 of 2021	Satya Devi vs. Director General of Police and others
Civil Suit No.39 of 2021	Satya Devi vs. Manjit Singh and others
Civil Suit No.18 of 2021	Satya Devi vs. Deputy Commissioner and others
Civil Suit No.346 of 2021	Satya Devi vs. State of Punjab and others
Civil Suit No.23 of 2021	Satya Devi vs. Deputy Commissioner and others
Civil Suit No.13 of 2021	Satya Devi vs. State of Punjab and others
Civil Suit No.25 of 2021	Satya Devi vs. Deputy Commissioner and others
Civil Suit No.814 of 2022	Manjit Singh and others vs. Vikas Kumar and others
Civil Suit No.470 of 2019	Manjit Singh and others vs. Amit Kumar and others
CM No.55 of 2022	Manjit Singh and another vs. Vikas Kumar and others
Civil Suit No.31 of 2021	Manjeet Singh and another vs. Satya Devi and others
Civil Suit No.21 of 2021	Satya Devi vs. Manjit Singh and others
Civil Suit No.787 of 2022	Manjit Singh and others vs. Vikas Garg and others
Civil Suit No.523 of 2023	Satya Devi vs. Manjit Singh and others
CHI-53-2022	State vs. Vikas Garg etc.

The requisite record of the aforesaid cases shall be transferred by the concerned trial Court, Phul to District and Sessions Judge, Patiala. The parties through their respective counsel, are directed to appear before the Court of District and Sessions Judge, Patiala, within a period one month from today onwards, who shall assign the aforesaid cases to the Court of competent jurisdiction at Patiala.

February 18, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No