

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****CR-1454-2025 (O&M)****Date of decision: 10.03.2025****Panchayati Akhara Nirmala****...Petitioner(s)****Vs.****Mahant Resham Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. R.S.Bajaj, Advocate for the petitioner.

Mr. Sunil Chadha, Sr. Advocate assisted by
Mr. Tara Dutt and Ms. Kashish Aggarwal, Advocates
for respondent No.1.

*********NIDHI GUPTA, J.**

The present petition has been filed by the petitioner/plaintiff No.2 under Article 227 of Constitution of India for setting aside order dated 09.12.2024 (Annexure P-7) passed by learned District Judge, Patiala in TA/165/2024 titled as "Dera Akhara Dharam Dhaja vs. Mahant Resham Singh and others", whereby application for transfer filed by respondent No.9/ plaintiff No.1, for transfer of Civil Appeal bearing No. CMA/168/2024 titled as "Mahant Resham Singh vs. Dera Akhara Dharam Dhaja and others" from the Court of Additional District Judge, Patiala to some other Court, has been allowed.

2. Ld. Counsel for the petitioner inter-alia submits that the petitioner is aggrieved of the impugned order as the same has been passed at the back of the petitioner and without issuing any notice to the petitioner. It is submitted that the transfer application could not have been



allowed without issuing notice to the petitioner. Moreover, one Mr. Rakesh Gupta, Advocate is shown to be representing the plaintiffs in the proceedings before the Court below; whereas in actual fact, the said Mr. Rakesh Gupta, Advocate was counsel for respondent No.1 and some other defendants. It is further contended that the interest of the petitioner/plaintiff No.2 is not common with that of the plaintiff No.1/respondent No.9 herein. It is accordingly submitted that the impugned order deserves to be set aside.

3. Vakalatnama filed on behalf of respondent No.1/defendant No.1 in Court today is taken on record.

4. Learned Senior Counsel appearing on behalf of respondent No.1 opposes the prayer made on behalf of the petitioner and submits that the petitioner is concealing material facts before this Court *in-as-much* as the petitioner has been proceed against *exparte* before the learned lower Appellate Court vide order dated 07.11.2024 passed by the learned Additional District Judge, Patiala. A Copy of the said order dated 7.11.2024 has been handed in Court today by learned Senior counsel, and the same is taken on record at Flag 'A'.

5. No other argument is raised on behalf of the parties.

6. I have heard learned counsel for the parties and perused the case file in great detail.

7. Brief facts of the case are that the petitioner/plaintiff No.2 and respondent No.9/plaintiff No.1 had filed a suit for permanent injunction before the Civil Court, Patiala on 30.10.2023 (Annexure P-1). Vide order



dated 09.09.2024, the application filed by the plaintiffs under Order 39 Rules 1 and 2 read with Section 151 CPC was allowed. Aggrieved by the said order, the defendants/respondents No. 1 to 6 herein, filed an appeal dated 16.09.2024 (Annexure P-2). In the said appeal, plaintiff No.1 was arrayed as respondent No.1; whereas the petitioner/plaintiff No.2 was arrayed as respondent No.2. In the said appeal, the plaintiff No.1/respondent No.9 herein, filed an application dated 11.11.2024 (Annexure P-4) under Section 24 CPC for transfer of appeal pending in Court of ADJ, Patiala to some other Court. The petitioner is respondent No.7 in the said application dated 11.11.2024. It has been contended by the petitioner that notice of the transfer application should have been issued to the respondents including the petitioner/respondent No.7 therein, in the application (Annexure P-4). It is further the contention of the petitioner that no summons were issued to the petitioner either in the main appeal or in the transfer application. Accordingly, a prayer is made that the order dated 09.12.2024, whereby the said application of the plaintiff No.1 has been allowed, be set aside.

8. I find no merit in the submissions advanced on behalf of the petitioner. In the appeal bearing No. CMA/168/2024 dated 16.09.2024 titled as "*Mahant Resham Singh vs. Dera Akhara Dharam Dhaja and others*" (Annexure P-2), the petitioner is arrayed as respondent No.2. It is not denied by counsel for the petitioner that in the said appeal, the petitioner was proceeded against *exparte* vide order dated 07.11.2024/Flag 'A'. The application dated 11.11.2024 (Annexure P-4) under Section 24 CPC for



transfer of the appeal was filed by the plaintiff No.1 filed *after* the petitioner was proceeded against ex parte on 7.11.2024.

9. Moreover, the contention of the petitioner that his interest is at variance with that of his co-plaintiff No.1 is untenable as admittedly, the suit has been filed by both, the petitioner and respondent No.9 herein. And, the present transfer application has been filed by none other than the co-plaintiff of the petitioner. Therefore, it would appear that the present petition is nothing but a ploy on part of the petitioner to delay the matter.

10. Hence, keeping in view the entirety of the facts as noted above, the present civil revision petition is hereby **dismissed**.

11. Pending applications, if any, stand disposed of.

10.03.2025

Divyanshi

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

(NIDHI GUPTA)
JUDGE