

(2012) 03 P&H CK 0452

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 3748 of 2010 (O and M)

Nirmal Singh

APPELLANT

Vs

Balraj Singh and others

RESPONDENT

Date of Decision : 27-03-2012

Acts Referred:

Citation : (2012) 03 P&H CK 0452

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : Nakul Sharma, for the Appellant; S.K. Arora, Advocate and Mr. Rajbir Singh, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—Challenge in the present petition is to the order dated 21.5.2010 whereby the learned District Judge, Ferozepur directed the suit filed by respondent no. 1-Balraj Singh titled as Balraj Singh vs Balbir Singh to be withdrawn from the Court of Additional Civil Judge (Senior Division), Ferozepur and transferred to the court of Additional Civil Judge (Senior Division), Jalalabad, in terms of a communication of this court dated 15.10.2009 vide letter No. 32777 gaz.II(2). Learned counsel for the petitioner submitted that with the passing of the aforesaid order, civil suit tiled as Nirmal Singh vs Kashmir Singh has also been transferred to Jalalabad without the consent of the petitioner-plaintiff, which was required. The case is at the fag end and only arguments are to be heard.

2. On the other hand, learned counsels for respondent nos. 1 and 3 submitted that vide order dated 18.2.2009 passed in Civil Revision No. 6382 of 2008 Balraj Singh vs Balbir Singh and others filed by respondent no. 1 herein, both the aforesaid suits were directed to be clubbed. They were continuing before the court at Ferozepur and in terms of the order passed by this court on administrative side dated 15.10.2009 all the suits pertaining to the property within the jurisdiction of Sub-Tehsil Guru Har Sahai were to be transferred to the

Court at Jalalabad. Once the suit filed by respondent no. 1 was directed to be transferred, as a natural consequence the suit filed by the petitioner, which had been clubbed to be decided along with the same, had to be transferred to Jalalabad. The order passed by the learned District Judge is not erroneous.

3. After hearing learned counsel for the parties and considering the aforesaid facts, in my opinion, no illegality has been committed by the District Judge while transferring the suit filed by the petitioner tiled as Nirmal Singh vs Kashmir Singh to the Court of Additional Civil Judge (Senior Division), Jalalabad, once it was directed to be clubbed with the suit tiled as Balraj Singh vs Balbir Singh and others by this court in Balraj Singh's case (supra) and the suit titled as Balraj Singh vs Balbir Singh and others had been withdrawn from the court at Ferozepur and was transferred to Jalalabad. For the reasons mentioned above, the present petition is dismissed.