

(2013) 09 P&H CK 0461

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 5642 of 2013

Bharat Bhushan Bansal

APPELLANT

Vs

Satish Kumar Bansal and

RESPONDENT

Another

Date of Decision: Sept. 17, 2013

Acts Referred:

- Constitution of India, 1950 - Article 227

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Advocate: Pankaj Jain, for the Appellant;

Final Decision: Dismissed

Judgement

L.N. Mittal, J.

Defendant Bharat Bhushan Bansal has filed this revision petition under Article 227 of the Constitution of India impugning order dated 30.8.2013 Annexure P/5 passed by learned District Judge thereby dismissing transfer application Annexure P/3 filed by defendant-petitioner for transfer of the civil suit which has been instituted by respondent no. 1-plaintiff Satish Kumar Bansal (brother of the petitioner) against defendant-petitioner vide plaint Annexure P/2, from one court at Mohali to another court at Mohali where another suit filed by the petitioner himself vide plaint Annexure P/1 against both the respondents is pending. I have heard counsel for the petitioner and perused the case file.

2. Respondent no. 1-plaintiff filed suit vide plaint dated 24.4.2010 Annexure P/2 whereas petitioner instituted suit vide plaint dated 16.12.2009 Annexure P/1. Both the suits are pending in different courts and are at different stages of trial, being tried separately. The petitioner moved transfer application Annexure P/3 on 4.5.2013 i.e. 3 years after filing of the suit by respondent no. 1 and three years four months after the filing of the suit by the petitioner himself. If the petitioner wanted

both the suits to be tried together by the same court, the petitioner should have moved the transfer application at the initial stage of the second suit instituted by respondent no. 1 vide plaint Annexure P/2. However, the petitioner did not take any such step at the initial stage of the said suit. On the contrary, according to respondent no. 1-plaintiff as mentioned in his reply Annexure P/4, the suit filed by respondent no. 1 vide plaint Annexure P/2 was at the stage of final arguments whereas the suit instituted by petitioner vide plaint Annexure P/1 was at the stage of his evidence. Evidence of both parties allegedly stands concluded in suit filed by respondent no. 1 and admittedly some evidence has also been led by the petitioner in his suit. In these circumstances, transfer application Annexure P/3 filed by the petitioner at highly belated stage has been rightly dismissed by the learned District Judge. There is no perversity, illegality or jurisdictional error in impugned order of the District Judge so as to call for interference by this Court in exercise of power of superintendence under Article 227 of the Constitution of India. The revision petition lacks any merit and is accordingly dismissed.