IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i) TA-356-2023 (O&M)

Ram Kumar alias Kallu

...Applicant

VERSUS

Raghu Nandan alias Ruggi

...Respondent

(ii) TA-357-2023 (O&M)

Teeka Ram alias Tekchand

...Applicant

VERSUS

Raghu Nandan alias Ruggi and another

...Respondents

Date of Decision: September 01, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Tek Chand Sharma, Advocate
for the applicant (in TA-356-2023).

Applicant-in-person (in TA-357-2023).

Mr.Yogeshwar Dayal Kaushik, Advocate
for the respondent (in TA-356-2023) and
for respondent No.1 (in TA-357-2023).

None for respondent No.2 (in TA-357-2023).

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ARCHANA PURI, J.

These are two transfer applications, filed at the instance of

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applicants Ram Kumar alias Kallu and Teeka Ram alias Tekchand, thereby, seeking transfer of two pending litigations i.e. suit for permanent injunction and suit for recovery of Rs.50,000/-, filed at the instance of their real brother, namely, Raghunandan @ Ruggi, pending at Hodal, District Palwal and they seek transfer of both the suits, to the Court of competent jurisdiction at Gurugram.

In pursuance of the notice issued, contesting respondent-Raghu Nandan @ Ruggi made appearance through counsel and filed respective replies.

For the convenience of discussion, the facts are taken from TA-357-2023.

At the very outset, it is submitted by Teeka Ram @ Tekchand, who is appearing in-person that he had retired from Indian Air Force. However, there is dispute with regard to the ancestral property, going on with his brothers, who have sought to corner him, at every opportune time. It is further submitted that respondent has colluded with the district authorities as well as the trial Court, and not allowed to discharge its jurisdiction, freely and fairly and the respondent, with ulterior motive, only to harass the applicants and to get absconding conviction, settled the matter half-heartedly. Similar cases are pending adjudication, before the Courts at Gurugram, as those were transferred vide order dated 23.01.2017 (TA-267-2016 and other connected matters) and order dated 06.12.2022 (TAs-437 & 438-2020 and TA-1051-2021), copies whereof are Annexures A-2 and A-3.

Further, also it is asserted that the applicant is an illiterate person and for the ends of litigation, he seeks the instant case, pending at Hodal, District

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Palwal, to be transferred to District Gurugram. There are also security threats, on account of which, the applicant is unable to reach/attend the Court proceedings. The local advocates and the Court staff are found to be under the influence of the respondent and long adjournments are given, at the behest of the opposite side. As such, a prayer has been made for transfer of both the suits.

On the other hand, learned counsel for the contesting respondent has submitted that the applications, as such, are not maintainable. The applicants have no cause of action and *locus standi* to file the applications, on account of act and conduct of applicant-Teeka Ram @ Tekchand. He has falsely asserted himself to be an illiterate person, whereas, he himself is an advocate and pursuing the litigation himself. Rather, in the present case, he is appearing as counsel for his brother Ram Kumar @ Kallu, who has also filed transfer application. In fact, it is submitted that Teeka Ram @ Tekchand is misusing his profession by harassing the respondent as well as other siblings, by way of filing false cases. Also, it is submitted that more than 150 false cases have been filed by Teeka Ram @ Tekchand, with his ulterior motives.

In fact, it is submitted that false allegations have been levelled with regard to the respondent, having collusion with the district authorities as well as the trial Court. To emphasize upon the act and conduct of applicant-Teeka Ram @ Tekchand, learned counsel for the respondent has drawn the attention of the Court to Annexures R-1 to R-5, to substantiate numerous litigation, which were initiated at the instance of applicant-Teeka Ram @ Tekchand and also about the manner of his conducting the proceedings,

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which led to passing of the adverse orders against him.

Section 24 CPC confers comprehensive power on the Court to transfer suit, appeal or other proceedings 'at any stage', either on an application by any party or suo motu. However, it is well settled that there is no cast iron formula, unanimously applicable to all the situations. One differential/distinctive circumstance can change the decision of the transfer application. Therefore, the Court always remain sensitized to exercise this power with due care, caution and circumspection.

Time and again, broad propositions have been laid down by the Courts, as to what may constitute a good ground for transfer. Of course, one of the relevant circumstance is reasonable apprehension, in the mind of the litigant that he may not get justice, in the Court, in which the suit is pending, on account of act and conduct of the other side as well as his collusion with the various wings of the Authorities and more particularly, the Court concerned, where the litigation is pending.

However, considering the various circumstances, if the Court feels that litigant, who knocks the door of the Court, is not likely to have a 'fair trial' in the Court, from which, he seeks to transfer, it is not only the power, but duty of the Court, to make such an order of transfer. The Court acting under Section 24 of the Code, may or may not, in its judicial discretion, transfer a particular case, in the backdrop of its own facts and circumstances. However, the underlying purpose is that the Courts must act '**judiciously**' in ordering a transfer on the application filed by a party.

There should not be any inhibition, on the part of the Courts to accept the transfer application, wherein, the rival party evidently over-

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reaches the applicant, seeking transfer of the case, by show of strength or attempt in stone-walling or cornering to such an extent, where strong impression is created about there to be threat to the life of the applicant or hamper the '**fair trial**' or '**conducting'** of the judicial proceedings, while having collusion with the Court and other Authorities.

In any case, making of wide allegations of apprehension is not alone sufficient. The same has to be coupled with various circumstances/material brought forth to show about the existence of reasonable apprehension. It should not be presumptuous apprehension only. Raising of apprehension has to be made out that the apprehension is reasonable, giving rise to the impression that 'justice' will not be done. Simultaneously, the conduct of the applicant, in the backdrop of his educational status, the kind of job/profession he follows and the familiarity with the working/conducting of the litigation, pending in the Courts, ought to be considered.

In the light of the aforesaid, it is significant to note that Teeka Ram @ Tekchand is an educated person. He had retired from Indian Air Force and is now an Advocate by profession. There is multiple litigation between the applicants and their brothers, with regard to the ancestral property. Teeka Ram is appearing in-person in the transfer application, filed at his instance and also representing as counsel, on behalf of his other brother, namely, Ram Kumar @ Kallu.

In view of the submissions made and as culled out from the paperbook, TA-267-2016, was filed by applicant Tek Chand Sharma, vide which, as many as, seven suits, filed at the instance of the applicant, were

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transferred from Palwal to Gurugram, as prayed for, so as to enable him to pursue the litigation without facing any undue hardship or harassment at the hands of the respondents. Subsequently, three transfer applications were also filed i.e. TA-437 & 438-2020 and TA-1015-2021. Taking into consideration, the transfer of civil cases vide TA-267-2016, the aforesaid applications were also accepted vide order dated 06.12.2022. May it be so. While adjudicating aforesaid transfer applications, as evident, the conduct of the applicant himself, never came to the notice of the Coordinate Benches.

However, in the replies filed to the said applications, besides the denial of the reasons, put forth by the applicants also, it was asserted that Tek Chand, who is an Advocate by profession, has filed as many as 150 false cases against his siblings, with ulterior motive and he also makes scandalous remarks against the Judges and other authorities. Also, that he has wrongly mentioned about himself to be an illiterate person. Learned counsel for the contesting respondent has drawn the attention of the Court to Annexures R-1 to R-5.

Very true, as pointed by learned counsel for the respondent that applicant Teeka Ram @ Tekchand, in the application stated himself to be an illiterate person, whereas, he is an Advocate by profession and he had appeared for himself in the present litigation and also for his brother, as his counsel. This definitely extend wrong impression before the Court, about him to be an illiterate person. Further, more particularly from the perusal of Annexure R-1 to R-5, it is evident that Teeka Ram @ Tekchand himself has indulged in multifarious litigation, with his brothers and others.

In Annexure R-2, which is an order passed by Chairman, Haryana

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Human Rights Commission, there is data given, which states about numerous litigation, at the behest of Teeka Ram @ Tekchand and the fate of the said litigation. It was observed that during the investigation, it was found that 34 complaints have been registered against the complainant by Tek Chand Sharma, out of which, on 4 complaints, FIR was registered and further that, on 6 complaints and two FIRs, proceedings under Section 182 Cr.P.C. were initiated against Tek Chand Sharma. There is also mention made about the cancellations reports having been prepared.

Not only this, the applicant had also questioned the integrity of the judicial officer, in another litigation, wherein, while in the capacity of being an Advocate, was also made liable for contempt. Therefore, CROCP-2-2024 was filed and upon rendering unconditional apology before Hon'ble Division Bench, the matter was given quietus. Furthermore, Annexure R-5 reveals that the applicant had sought transfer of criminal cases, as many as, five in number, the detail whereof is given in the order dated 23.02.2017 and the Coordinate Bench, taking into consideration, the grant of police protection to applicant Teeka Ram, had observed that there is no reason existing for transfer of the cases, as asked for and ultimately, the petitions were dismissed.

Besides the same, though this Court is consciously refraining to make/touch the merits of the cases, which are sought to be transferred, but however, suffice to consider that these are suit for recovery and for issuance of permanent injunction. Keeping in view the nature and kind of litigation, more particularly, being of civil nature, wherein, the parties are not required to appear on each and every date and also taking into consideration, the

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distance between the two places to be 100 kms., as mentioned in the reply, which has not been controverted, as well as the factual position aforesaid, as such, there is no justifiable reason, spelt out for acceptance of the transfer applications. Hence, both the transfer applications are hereby dismissed.

September 01, 2025 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**

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