

CNR No: PBPT010108672022

CIS No: TA/158/2022

**RAHUL BHANDARI VS YASHKARAN BHANDARI**

Present: Applicant in person.

Sh. T.M.Sayal, Advocate for the respondent.

Applicant Rahul Bhandari who is stated to be Engineer is appearing in person in the cases filed by himself and his children pending before the court of Ms. Deepika Singh, Additional Principal Judge, Family Court, Patiala. In this transfer application, he has made a prayer for transferring the three cases titled as i.e. (I) Yashkaran Bhandari Vs. Rahul Bhandari (ii) Hunar Ashan Bhandari Vs. Rahul Bhandari and (iii) Rahul Bhandari Vs. Arushi Bhandari from the court of Ms. Deepika Singh, learned Additional Principal Judge, Family Court, Patiala to some other court. In his application, he has alleged some incident's of 1.8.2022, when the file was fixed for 02.08.2022 was taken up by the presiding officer before proceeding on child care leave; Incident dated 12.09.2022 alleging that in his absence, the court had accepted application's in cases whereby already the case was adjourned for 30.09.2022 and has submitted that some other Advocate in place Sh. T.M.Sayal, Advocate, Amicus Curiae may be provided. The applicant has alleged that he has apprehension in his mind that he would not get justice from the said court and, therefore, his cases may be transferred.

The respondent has filed detailed reply to the application denying the allegations made in the application.

The files pertaining to the abovesaid cases were summoned and which have been placed on record and have been perused. The written arguments was also filed by the applicant.

Perusal of the files shows that the cases are making progress satisfactorily. It seems that the applicant, who is respondent before the learned trial court in case titled as Hunar Ashan Bhandari Vs. Rahul Bhandari MNT-125/318/2021 and Yashkaran Bhandari Vs. Rahul Bhandari MNT-125/298/2021 has unnecessarily assumed that said court has got some prejudice against him merely due to the fact that on 1.8.2022 the file was taken up as presiding officer had to proceed on child care leave all of a sudden with effect from 02.08.2022 and case was adjourned to 06.08.2022 and from 06.08.2022, the case was again adjourned for 06.09.2022. The file was taken up in the National Lok Adalat on 13.08.2022. Perusal of the zimni order shows that the respondent has not come present before the presiding officer, National Lok Adalat, Patiala and the case was adjourned for 23.08.2022 for filing affidavit of income and liabilities of respondent. The other incidents quoted by the applicant in the application have also no merits. In the opinion of this court, the said apprehension of the applicant is misconceived. Some times when the cases are called by the courts, both the parties or their counsel may not be available together and if the application filed by other side in absence of applicant, it is not going to effect merit of the case in any manner, as admittedly, copy of the application was supplied to the applicant on the same day and was directed to file reply on the next date of hearing. Merely on account of these reasons, it cannot be said that the court has

got any bias in its mind. Rather perusal of the files, it reveals that the learned trial court is making sincere efforts to dispose of the cases at the earliest. Thus, after hearing both the sides, this court is of the view that no ground for transfer of the case from that court is made out and the transfer application is, hereby, stands dismissed. However, as requested by the applicant, copy of the order supplied to the applicant free of costs. Summoned file be returned against proper receipts. Application for transfer of the cases be consigned to the record room after due compliance.

Date of Order: 26-10-2022  
*Monika, G.I*

( Lukhvinder Kaur Duggal)  
Principal Judge, Family Court  
UID NO . PB00156