



2021 INSC 822

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No.640 of 2019

SUPREME COURT MIDDLE INCOME GROUP LEGAL AID SOCIETY Petitioner(s)

VERSUS

VIDYASAGAR

Respondent(s)

O R D E R

Heard the learned counsel appearing for the Petitioner.

The petitioner is the Supreme Court Middle Income Group Legal Aid Society. The prayer in this petition under section 25 of the Code of Civil Procedure, 1908 is for transfer of a Civil Suit filed by the respondent against the petitioner in the court of the Learned Single Judge, Senior Division, Ludhiana to Patiala House Court, New Delhi. The Office report records that respondent has been duly served. None has filed appearance for the respondent. On 20th May 2020, when this petition came up before this Court, following order was passed:-

"Mr. Raju Ramachandran, learned senior counsel, appearing on behalf of the petitioner-society, submits that the respondent has filed the suit, the transfer of which is asked for, before the Court of Civil Judge, Senior Division, Ludhiana, for refund of three times of Rs. 8,500/- paid as legal fee plus Court Fee of Rs. 225/- and litigation cost of Rs. 5,000/- plus compound interest. His submission

is that the sum of Rs. 8,500/- was deposited with the Legal Aid Society in the year 2009 for instituting a writ petition and subsequently certain other cases were also filed on his behalf. However, submission of Mr. Raju Ramachandran is that the Society is inclined to refund the original sum deposited but it would be extremely inconvenient for members of the Society to defend the suit in Ludhiana.

As the respondent is not before me, in my opinion, some more time may be given to enable him to put his appearance in this proceeding.

Let hearing of this petition stand adjourned by a period of sixteen weeks.

The interim order passed on 15.4.2019 to continue until further orders."

Notwithstanding the grant of opportunity, the respondent has not appeared and contested the petition. I have perused the annexures to the petition including the plaint. My attention is invited to paragraph 11 of the plaint in which the respondent claims that the Court at Ludhiana has jurisdiction.

Considering the object for which the petitioner society has been established, continuation of proceedings in the Court of Ludhiana will cause prejudice to the petitioner which is the Legal Aid Society established for providing the Legal Aid to the middle income group. Therefore, a case is made out by passing an order of transfer.

The Transfer Petition is allowed.

C.S. No. 1184 of 2019, titled "*Vidyasagar vs. Supreme Court Middle Income Group Legal Aid Society, pending before the court of Civil Judge, Senior Division, Ludhiana,*" shall be transferred to the appropriate competent Court in the Patiala House Court, New Delhi.

.....J.
[ABHAY S. OKA]

NEW DELHI;
DECEMBER 03, 2021