

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

CTA no. 19/2013

CMA no. 19/2013

Date of order: 14.11.2013

Mohammad Ramzan Bazdar & ors. V New India Assurance Co. Ltd.

Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice

Appearing counsel:

For the petitioner(s) : Mr. F. S. Butt, Advocate.

For the respondent(s) : Mr. Vipin Gandotra, Advocate.

1. This is an application seeking transfer of claim petition titled "*Mohammad Ramzan and others vs. New India Assurance Company Limited and others*" (File no. 30) from the Court of Motor Accidents Claims Tribunal, Kishtwar to the Court of competent jurisdiction at Jammu.

2. The basic reason pleaded in para 2 of the petition is that the claim petition was filed through W. S. Butt Advocate in the year 2010. However, he was appointed to Government service as is evident from his appointment order (Annexure-A). One of the petitioners has shifted to Jammu for better education of her daughter and is now permanently putting up in Jammu with her daughter, old father and mother-in-law. It is asserted that she is not in a position to prosecute the

matter at Kishtwar. Though they have engaged another lawyer but they are not satisfied with the services of newly engaged lawyer and have a reasonable apprehension that it might cost them heavily.

3. In response to the notice having been issued, respondent-Insurance Company has filed objections wherein it is pleaded that the evidence has been concluded and the matter is posted for argument and decision. The petitioners instead of arguing the matter have filed the instant transfer application. It has further been asserted in the objections that dis-satisfaction with services of the counsel may not constitute a valid ground for directing transfer because the petitioners are always at liberty to engage another counsel.

4. Having heard learned counsel for the parties I am of the view that once the evidence is concluded and the matter is posted for arguments the inconvenience which might have been confronted by the petitioner has already come to end. At the stage of arguments, it would not be proper to accept the prayer for transfer. If the counsel is not rendering the services to the satisfaction of the petitioners, there is no bar for them to avail services of another counsel. Moreover, the disputes in

Motor Accidents Claims cases are decided as per the Schedule given in the Act and by keeping in view the attending facts and circumstances. No ground for transfer of the claim petition is made out.

5. The petition is accordingly, dismissed.

(M. M. Kumar)
Chief Justice

Jammu,
14.11.2013
Vijay