

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s). 1046/2021

MADHUKAR G. ANGUR & ANR.

Petitioner(s)

VERSUS

M/S ALLIANCE UNIVERSITY & ORS.

Respondent(s)

(FOR ADMISSION and IA No.68062/2021-EX-PARTE STAY and IA  
No.68065/2021-EXEMPTION FROM FILING O.T. and IA No.68066/2021-  
EXEMPTION FROM FILING AFFIDAVIT and IA No.68067/2021-PERMISSION TO  
FILE LENGTHY LIST OF DATES )

Date : 05-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Ms. Ashima Mandla, Adv.  
Ms. Mandakini Singh, Adv.  
Ms. Jaspreet Gogia, AOR  
Mr. Karanvir Gogia, Adv.  
Ms. Shivangi Singhal, Adv.

For Caveator/  
plaintiffs Mr. Manoj Prasad, Sr. Adv.

For Respondent(s) Mr. Sajan Poovayya, Sr. Adv.  
Mr. Shyam Sundar, Adv.  
Mr. Anand Sanjay M.Nuli, Adv.  
Pratibhanu, Adv.  
Ms. Vandana, Adv.  
Mr. Suraj Kaushik, Adv.  
Agam Sharma, Adv.  
M/S. Nuli & Nuli, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard learned counsel for the petitioners.

The present application has been instituted by the petitioners seeking transfer of O.S. No. 3932 of 2017 pending before the XLIII Additional City and Sessions Judge, Bangalore filed by the respondent-University for certain injunctive reliefs against the

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petitioners. The submission advanced on behalf of the petitioners, seeking transfer of the said suit to a Court in Delhi is that the respondents are very influential persons in Bengaluru and they have the capacity to interfere with the administration of justice in the event the matter is heard in a court within the State of Karnataka.

Mr. Manoj Prasad, learned counsel appeared for the caveators, who are the plaintiffs in the subject suit.

In support of the case for transfer, Ms. Mandla and Ms. Mandakini learned counsel for the petitioners have addressed this Court. They have relied on, *inter-alia*, the order-sheet of the proceedings before the City civil and Sessions Court, Bangalore. There is a recording by the XXVII Additional City Civil Judge/Additional City Civil and Sessions Judge of the said Court to the effect that there is pressure and interference in the said case. But this observation is of only one Additional Civil and Sessions Judge and for this observation alone, in my opinion, an inference cannot be reached that the entire District Judiciary within the State of Karnataka is also under pressure from a particular litigant.

The learned counsel for the petitioners have also raised the question of locus of the plaintiffs in the suit, the transfer of which is asked for, but that question does not fall for determination in this proceeding.

In these circumstances, I am not satisfied that the petitioners have made out a case for transfer of the subject suit from the State of Karnataka to a Court in Delhi or in any other jurisdiction.

The petitioners, however, shall be at liberty to apply before the High Court of Karnataka seeking transfer of the subject suit to any other Court within the State, if so advised. If such an application is made, the same may be dealt with by the High Court expeditiously.

In course of hearing before me, it was urged on behalf of the petitioners that the petitioners are facing physical threats for conducting the said proceedings. This factor is a matter of evidence but even if true, the same cannot be a ground for transfer of the case. I find from the cause title of the Transfer Petition that both the petitioners are residents of Bengaluru. Thus, if the suit was transferred, as prayed for by the petitioners, the physical threat on them would remain, if there is such threat, in Bengaluru. In respect of such allegations, they shall be at liberty to approach the Director General of Police, Karnataka for adequate protection and if any representation is made in that regard, considering the threat perception of the petitioners, the police authorities shall take appropriate measures.

The transfer petition is dismissed with the above observations. There shall be no order as to costs.

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Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)  
COURT MASTER (SH)

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR