

CR No.40 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.40 of 2015
Date of decision:06.01.2015**

Mst. Majidan ...Petitioner

Versus

Mohammad Sadiq and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner had filed an application under Section 24 of the Code of Civil Procedure, 1908 for transfer of two suits; first titled as “Mst. Majidan v. Mohammad Sadiq and others” pending in the Court of Shri Taranjeet Singh, Civil Judge (Junior Division), Malerkotla and second titled as “Mst. Majidan v. Mohammad Sadiq and another” pending in the Court of Ms. Rajbir Kaur, Civil Judge (Junior Division), Malerkotla, to the same Court as the parties and properties involved in both the suits are the same.

The learned Court below asked for the status report from both the Courts and has found that the suit pending in the Court of Shri Taranjeet Singh, Civil Judge (Junior Division), Malerkotla is fixed for rebuttal evidence and arguments, whereas the suit pending in the Court of Ms. Rajbir Kaur, Civil Judge (Junior Division), Malerkotla is at the stage of

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injunction application. Thus, it was observed that since one of the cases is at the fag end, therefore, it would not be in the interest of justice to transfer both the cases to the same Court.

Counsel for the petitioner has argued that pendency of both the suits in different Courts would ultimately be against the interest of justice as the parties and the properties involved in both the suits are the same.

After hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that there is no error in the order of the Court below because the evidence in both the suits is to be recorded separately which has already been done in the suit pending before Shri Taranjeet Singh, Civil Judge (Junior Division), Malerkotla, the case is at the final stage and the judgment therein could be announced at any time after the arguments are over, whereas the other suit pending before Ms. Rajbir Kaur, Civil Judge (Junior Division), Malerkotla would definitely take some time for reaching to its climax.

Accordingly, the present revision petition is hereby dismissed being denuded of any merit.

January 06, 2015
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(**Rakesh Kumar Jain**)
Judge