

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

TA No.401 of 2014.

Date of Decision: 24.08.2015.

Sukhraj Kaur

....Petitioner.

VERSUS

General Public

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sandeep Arora, Advocate for the petitioner.

SNEH PRASHAR, J.

This is a petition under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 372 of the Indian Succession Act, 1925, filed by petitioner Sukhraj Kaur against General Public, from the court of Civil Judge (Senior Division), Gurdaspur to the court of competent jurisdiction at SAS Nagar (Mohali).

Notice of the application to the respondent was issued and vide order dated 10.11.2014 request of learned counsel for the petitioner for adjournment to file an appropriate application for effecting service upon

General Public by way of publication in a recognized newspaper was allowed. Subsequent to that although the petition was repeatedly adjourned on request of counsel for the petitioner but the report of the Registry show that no step was taken by the petitioner to serve the respondent-General Public by way of publication.

Otherwise also, the submissions made by learned counsel for the petitioner have no merit. The petitioner filed petition under Section 372 of the Indian Succession Act in the District Court at Gurdaspur where she was residing. In case, as submitted by learned counsel for the petitioner, it has come to the notice of the petitioner that the District Court, Gurdaspur has no jurisdiction to try the petition and the jurisdiction lies with District Judge/ Civil Judge (Senior Division) exercising the powers of District Judge at District SAS Nagar, the petitioner has to resort to the remedy available under the law. By no stretch of imagination, seeking transfer of the petition from one place to other can be the remedy where jurisdiction of the Court is the matter in issue. Accordingly, the petition having no merit is dismissed.

(SNEH PRASHAR)
JUDGE

24.08.2015.
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