

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A.No.120 of 2016

Date of Decision:07.04.2016

Kanwaljit Kaur @ Kamaljit Kaur

.....Applicant

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Veneet Sharma, Advocate,
for the applicant.

Mr.Yatinder Sharma, Addl. Advocate General, Punjab,
for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant, by way of instant transfer application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of the Civil Suit, titled as “Kanwaljit Kaur @ Kamaljit Kaur Versus State of Punjab and another” from Bathinda to Patti, District Tarn Taran.

Notice of motion was issued.

Heard learned counsel for the parties.

Learned counsel for the State on instructions from Mr.Manmohan Singh, Junior Assistant in the office of Canal Lining Division No.1, Bathinda, fairly states that the applicant-widow is claiming retiral benefits of her deceased husband by way of abovesaid civil suit. However, after filing of the civil suit, the applicant is staying at Patti in District Tarn Taran.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the instant transfer application deserves to be allowed. It is so said because distance between Bathinda and Patti is more than 208 Kilometers. The applicant is a widow lady, who is claiming the retiral benefits on account of the death of her husband. For pursuing the litigation, the applicant has to travel from Patti to Bathinda. It would amount to denial of justice to her as it would not be inconvenient but very difficult for the applicant to pursue the litigation pending between the parties at Bathinda.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant application deserves to be accepted and the same is hereby allowed. The Civil Suit titled as “Kanwaljit Kaur @ Kamaljit Kaur Versus State of Punjab and another” pending in the Court of Civil Judge (Sr.Divn.), Bathinda, is ordered to be transferred to the court of competent jurisdiction at Patti.

Accordingly, the learned District Judge, Bathinda, is directed to send complete record of the abovesaid civil suit filed by the applicant to the learned District Judge, Tarn Taran, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order.

The learned District Judge, Tarn Taran, is also directed to assign it to the court of competent jurisdiction at Patti, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

April 07, 2016
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(RAMESHWAR SINGH MALIK)
JUDGE