

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 222 of 2016 (O&M)
Date of decision: 19.5.2016

Ram Partap Puri

.. Applicant

Vs.

Sanjeev Kumar and others

... Respondents

ii)

TA No. 223 of 2016

Ram Partap Puri

.. Applicant

Vs.

Ujjal Singh and another

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Gurcharan Dass, Advocate
for the applicant.

None for respondent No.1 in TA No. 223 of 2016.

Mr. Vaneet Soni, Advocate
for respondent No.3 in TA No. 222 of 2016
for respondent No.2 in TA No. 223 of 2016

Mr. K.S. Dhillon, Advocate
for respondent No.2 in TA No. 222 of 2016.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant, by way of these two identical transfer
applications under Section 24 of the Code of Civil Procedure, 1908,

seeks transfer of two civil suits bearing No. 556 dated 2.12.2010 (Sanjeev Kumar and another Vs. Ashok Kumar) and 416 of 21.12.2010 (Ujjal Singh Vs. Ram Partap Puri), from Kapurthala to Ludhiana.

Notice of motion was issued.

Heard learned counsel for the parties.

Learned counsel for the applicant places reliance on as many as three orders passed by this Court at Annexures P-2 to P-4, whereby three identical transfer applications filed by the present applicant were allowed, transferring identical civil suits pertaining to the same property, from Kapurthala to Ludhiana.

When confronted with the abovesaid fact situation, learned counsel for respondent No.2 in transfer application No. 222 of 2016 could not deny the correctness of the statement made by learned counsel for the applicant.

However, learned counsel appearing for the respondent namely Ashok Kumar, in both these applications, submits that he has got no objection in case both these transfer applications are allowed.

In view of the abovesaid fact situation obtaining in these cases, this Court is of the considered opinion that both these transfer applications deserve to be allowed. It is so said because identical civil suits are already pending at Ludhiana. In this view of the matter, interest of justice demands transfer of both these cases from Kapurthala to Ludhiana.

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 both these transfer applications deserve to be accepted and the same are hereby allowed. Both the abovesaid civil suits are ordered to be transferred from Kapurthala to Ludhiana.

Accordingly, the learned District Judge, Kapurthala, is directed to send complete record of the abovesaid civil suits to the learned District Judge, Ludhiana, 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, Ludhiana, is also directed to assign both the abovesaid civil suits to the same learned civil court who is trying other identical civil suits, so as to avoid any contradictory orders and for an early decision thereof, in accordance with law.

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

(RAMESHWAR SINGH MALIK)
JUDGE

19.5.2016
AK Sharma