

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

TA No.282 of 2016 (O&M)

Date of decision: 30.5.2016

Kaushalya Devi and others

.. Applicants

Vs.

Swaranjit Kaur and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Malkiat Singh, Advocate
for the applicants.

None for respondent No.1.

Ms. Anupam Bhanot, Advocate
for respondent No.3.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicants, by way of instant transfer application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a civil suit from Ferozepur to Chandigarh.

Notice of motion was issued and in the meantime, further proceedings before the learned trial court were stayed.

As per office report dated 26.5.2016, service is complete. Case called twice. Nobody has come present on behalf of respondent No.1 to contest the present transfer application.

Learned counsel for the applicants, while placing reliance on the orders passed by this Court at Annexures P-2, P-4, P-11 and P-15, submits that identical civil suits qua same property, wherein present applicants are party, have already been transferred by this Court from

Ferozepur to Chandigarh.

Having heard the learned counsel for the applicants as well as learned counsel for respondent No.3 and after going through the record of the case, this Court is of the considered opinion that instant transfer application deserves to be allowed. It is so said because the abovesaid orders passed by this Court were passed under identical circumstances and qua the same property. All the four orders were passed by this Court with the consent of learned counsel for both the parties. Further, nobody has come present on behalf of respondent No.1 to oppose the present transfer application, despite due service. Interest of justice also warrants transfer of the abovesaid civil suit from Ferozepur to Chandigarh. In this view of the matter, civil suit No. 279/2015 (Swaranjit Kaur Vs. General Public and others) (Annexure P-19) is ordered to be transferred from Ferozepur to Chandigarh.

Accordingly, the learned District Judge, Ferozepur, is directed to send complete record of the abovesaid civil suit to the learned District Judge, Chandigarh, 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, Chandigarh, is also directed to assign the abovesaid civil suit to the same learned court of competent jurisdiction who is already trying other identical suits qua the same property, 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.

(RAMESHWAR SINGH MALIK)
JUDGE

30.5.2016
AK Sharma