

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

**TA No 76 of 2016 (O&M)
Date of decision: 16.5.2016**

Nirmal Harjit Singh

.. Applicant

Vs.

Prem Harjit Singh and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vaibhav Sehgal, Advocate
for the applicant.

Mr. Divanshu Jain, Advocate
for respondents No. 1 to 3 & 5 to 7.

Mr. Shekhar Verma, Advocate
for respondent No.4-U.T. Chandigarh.

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 civil appeal No. 636 of 31.10.2011 (Annexure P-2) from Chandigarh to Ludhiana.

Notice of motion was issued.

Reply by way of affidavit dated 16.5.2016 on behalf of respondents No. 1 to 3 and 5 to 7, filed in the Court today, is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

Heard learned counsel for the parties.

It has gone undisputed before this Court that Late Sh. Mehar Singh was common ancestor of the parties. Dispute between both the parties is regarding inheritance of Late Sh. Mehar Singh. It is also not in dispute that Late Sh. Mehar Singh was having properties at Ludhiana as well as in Chandigarh. Two civil suits were tried by the learned civil court at Ludhiana and one civil suit was tried by learned civil court at Chandigarh. Pursuant to the decision of two civil suits tried at Ludhiana, two appeals are pending at Ludhiana and out of the decision rendered by the learned civil court at Chandigarh, an appeal is pending before the first appellate court at Chandigarh.

In view of the abovesaid undisputed fact situation obtaining in the present case, it would be in the fitness of things as well as in the interest of both the parties, besides avoiding of contradictory orders, that all the three appeals are heard and decided by the same first appellate court. Since two appeals are already pending at Ludhiana, it would be just and expedient to transfer third appeal, pending at Chandigarh, to Ludhiana, so that all three appeals are decided by the same court.

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 transfer application deserves to be accepted and the same is hereby allowed. Civil Appeal No. 636 of 31.10.2011, pending before the first appellate court at Chandigarh, is ordered to be transferred to Ludhiana.

Accordingly, the learned District Judge, Chandigarh, is

directed to send complete record of the abovesaid civil appeal 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 the abovesaid appeal to the same learned first appellate court which is hearing two other appeals, so that all the three appeals are heard and decided by the same learned first appellate court.

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**

16.5.2016
AK Sharma