

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**TA No.80 of 2016
Date of decision:16.5.2016**

Illam Chand (since deceased) through LRs

...Applicant(s)

Versus

Karan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Puneet Sharma, Advocate for the applicant.
None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a Civil Suit bearing No.18853/2012 titled as 'Karan Kumar Vs. Illam Chand' from Amritsar to Ludhiana.

Notice of motion was issued and interim stay was granted.

As per office report, service is complete. Called twice. However, nobody has come present on behalf of the respondent to contest this transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that a civil suit was initially filed against Late Sh.Illam Chand, husband of the applicant. However, during the pendency of the civil suit, he died. Applicant is a senior citizen and suffering from age related ailments. Learned counsel for the applicant has also placed on record medical record in the form of Annexure P-7 (colly) and Annexure P-8. Distance between Amritsar and Ludhiana is about 150 kilometers.

In view of the above-said undisputed fact situation obtaining in the present case, this Court is of the considered opinion that the instant transfer application deserves to be allowed. It is so said because keeping in view the totality of facts and circumstances of the case forcing the applicant-old widow to pursue the litigation, while going from Amritsar to Ludhiana, would amount to denial of justice to the applicant.

In view of what has been discussed hereinabove, interest of justice demands transfer of civil suit from Amritsar to Ludhiana. Consequently, Civil Suit bearing No.18853/2012 titled as 'Karan Kumar Vs. Illam Chand' is ordered to be transferred from Amritsar to Ludhiana.

Accordingly, learned District Judge, Amritsar, is directed to send the complete record of the above-said civil suit to the learned District Judge, Ludhiana, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Ludhiana, is also directed to assign the above-said civil suit to the learned court of competent jurisdiction for its early decision, in accordance with law.

With the above-said observations made and directions issued, the instant transfer application stands disposed of.

16.5.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE