

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

TA No.481 of 2015

Date of decision: 22.04.2016

Satvir Kaur

... Applicant

Vs.

Mangal Singh

... Respondent

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

Present: Mr. S.S. Grewal, Advocate  
for the applicant.

Mr. Ramesh Sharma, Advocate  
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

\*\*\*\*\*

**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 filed by the respondent from Abohar to Bathinda.

Notice of motion was issued and further proceedings before the learned trial Court at Abohar were stayed. Respondent filed his reply.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant is a widow and serving at Bathinda. Distance between Abohar and Bathinda is about 100 kilometers. Respondent, who is husband of sister-in-law of the applicant, is pursuing the suit for recovery against the applicant levelling

some allegations of defamation against her.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered view that the present transfer application deserves to be allowed. It is so said because applicant is a widow. She is serving at Bathinda. If the applicant is forced to pursue the litigation imposed on her by the respondent, while going from Bathinda to Abohar, it would amount to denial of justice to the applicant. In fact, in view of totality of facts and circumstances of the case, transfer of the abovesaid civil suit filed by the respondent at Bathinda would be the requirement of justice.

The abovesaid view taken by this Court also finds support from the judgment of the Hon'ble Supreme Court in **Dr. Subramaniam Swamy Vs. Ramakrishna Hegde, 1990 (1) SCC 4**. The relevant observations made by the Hon'ble Supreme Court in **Dr. Subramaniam Swamy's** case (supra), which can be gainfully followed in the present case, read as under: -

*“The question of expediency would depend on the facts and circumstances of each case but the paramount consideration for the exercise of power must be to meet the ends of justice. It is true that if more than one court has jurisdiction under the Code to try the suit, the plaintiff as dominus litis has a right to choose the Court and the defendant cannot demand that the suit be tried in any particular court convenient to him. The mere convenience of the parties or any one of them may not be enough for the exercise of power but it must also be shown that trial in the chosen forum will result in denial of justice. Cases*

*are not unknown where a party seeking justice chooses a forum most inconvenient to the adversary with a view to depriving that party of a fair trial. The Parliament has, therefore, invested this Court with the discretion to transfer the case from one Court to another if that is considered expedient to meet the ends of justice. Words of wide amplitude- for the ends of justice- have been advisedly used to leave the matter to the discretion of the apex court as it is not possible to conceive of all situations requiring or justifying the exercise of power. But the paramount consideration must be to see that justice according to law is done; if for achieving that objective the transfer of the case is imperative, there should be no hesitation to transfer the case even if it is likely to cause some inconvenience to the plaintiff. The petitioner's plea for the transfer of the case must be tested on this touchstone.*

(emphasis supplied)”

Reverting to the facts of the case in hand and respectfully following the law laid down by the Hon'ble Supreme Court in **Dr. Subramaniam Swamy's** case (supra), it is unhesitatingly held that the applicant has made out a case for transfer of the abovesaid civil suit from Abohar to 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 transfer application deserves to be accepted and

the same is hereby allowed. Civil Suit for recovery filed by the respondent titled as Mangal Singh Vs. Satvir Kaur is ordered to be transferred from Abohar to Bathinda.

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

Learned District Judge, Bathinda is also directed either to decide the case himself or assign it to the learned Court of competent jurisdiction for its early decision, in accordance with law.

Parties are directed to appear before the learned District Judge, Bathinda on 27.05.2016.

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

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

22.04.2016  
*vishnu*