

TA-714-2015

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

TA-714-2015 (O & M)

Date of Decision: 11.02.2016

Sandeep Kaur and others

... Applicant (s)

Versus

Baljit Kaur and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. G.S.Bains, Advocate,
for the applicants.

Mr. A.S.Cheema, Advocate,
for respondent No.1.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of civil suit titled as 'Baljit Kaur vs. Sandeep Kaur and others' (Annexure P-2), filed by respondent No.1, from Ludhiana to Patiala.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contends that respondent No.1 has filed suit for damages and compensation on account of malicious complaint moved by the applicants and others on the basis of oral and documentary statements and the same is pending in the Court of learned Civil Judge (Jr. Divn.), Ludhiana. Applicant No.1 is the legally wedded wife of son of respondent No.1 and now she is residing with her

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parents and five months old minor daughter in her parental village situated in District Patiala, a far away place from Ludhiana where aforesaid civil suit is pending. The petition under Section 125 Cr.P.C. filed by applicant No.1 is also pending against son of respondent No.1 before Judicial Magistrate Ist Class, Patiala. On the similar allegations, son of respondent No.1 also filed a civil suit against the applicants and others in Ludhiana which has been transferred to Patiala vide order of even date passed in TA-713-2015. Learned counsel for the applicants relies upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for respondent No.1 to attend the proceedings in Patiala than for the applicants to attend the same in Ludhiana. Therefore, the aforementioned civil suit may be transferred to Patiala.

Per contra, learned counsel for respondent No.1 vehemently opposes the contentions of learned counsel for the applicants and contended that presence of the applicants is not required on every date in the aforementioned suit pending in Ludhiana.

In view of the submissions made by learned counsel for the parties, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Patiala and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), this Court is of the view that it would be in the interest of the respondent as well that all proceedings are tried at one place as he will not be required to appear at different places on different dates. Accordingly, the civil

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suit (Annexure P-1) pending in the Court of learned Civil Judge (Jr. Divn.), Ludhiana is withdrawn and ordered to be transferred to learned District Judge, Patiala, who may assign the same to the court of competent jurisdiction there. Learned Civil Judge (Jr. Divn.), Ludhiana shall ensure that entire record of the case is sent to learned District Judge, Patiala. The parties through their counsel are directed to appear before learned District Judge, Patiala on 01.03.2016. The concerned Courts be informed through fax/email.

Disposed of.

11.02.2016

kanchan/parveen kumar

(Paramjeet Singh Dhaliwal)
Judge