

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

Date of decision:19.05.2016

1. TA No.830 of 2015 (O&M)

Nachattar Kaur

... Applicant

Vs.

Harvinder Singh and others

... Respondents

2. TA No.517 of 2015

Suninder Kaur @ Ravneet Kaur

... Applicant

Vs.

Harvinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. M.S. Bajwa, Advocate
for the applicant (in TA No.830 of 2015) and
for respondent No.4 (in TA No.517 of 2015).

None for the applicant (in TA No.517 of 2015) and
for respondent No.4 (in TA No.830 of 2015).

Mr. AGS Dhillon, Advocate
for respondents No.1 & 2 (in both the cases).

Mr. M.B. Jain, Advocate
for respondent No.3 (in both the cases).

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)

CM No.10182-CII of 2015 in TA No.830 of 2015

Applicant seeks correction in the name of respondent No.4

which is wrongly typed as Surinder Kaur @ Ravneet Kaur instead of Suninder Kaur @ Ravneet Kaur in the prayer clause as well as in the memo of parties.

Notice of the application to the respondents.

At this stage, Mr. AGS Dhillon, Advocate accepts notice on behalf of respondents No.1 & 2 and Mr. M.B. Jain, Advocate accepts notice on behalf of respondent No.3 and fairly state that since applicant is seeking correction of clerical and bonafide mistake, let the instant application be allowed.

In view of the above, instant application is allowed, as prayed for. Amended memo of parties is permitted to be placed on record.

CM stands disposed of.

Transfer applications

These are two transfer applications filed under Section 24 of the Code of Civil Procedure, whereby both the applicants, being mother-in-law and daughter-in-law of each other, are seeking transfer of MACT cases from SAS Nagar (Mohali) to Moga and vice versa.

Notice of motion was issued.

Applicant-Nachattar Kaur in TA No.830 of 2015 is seeking transfer of MACT case titled as Suninder Kaur @ Ravneet Kaur Vs. Harvinder Singh and others from SAS Nagar (Mohali) to Moga, whereas the applicant-Suninder Kaur @ Ravneet Kaur in TA No.517 of 2015 is seeking transfer of a MACT case titled as Smt. Nachattar Kaur Vs. Harwinder Singh and others from Moga to SAS Nagar (Mohali).

On the last date of hearing, learned counsel for the parties were

present. Called twice, however, none has come present on behalf of the applicant-Suninder Kaur in TA No.517 of 2015 who is also respondent No.4 in other TA No.830 of 2015.

Heard learned counsel for the applicant in TA No.830 of 2015 (Nachattar Kaur Vs. Harwinder Singh and others) as well as learned counsel for respondents No.1 to 3 and also learned counsel for all the respondents in TA No.517 of 2015.

Before proceeding further, learned counsel for the Insurance Company-respondent No.3 as well as learned counsel for respondents No.1 & 2-driver and owner have fairly stated that they have got no objection in case the transfer application filed by Smt. Nachattar Kaur is allowed and MACT case filed by Smt. Suninder Kaur @ Ravneet Kaur Vs. Harwinder Singh and others is ordered to be transferred from SAS Nagar (Mohali) to Moga.

It has gone undisputed before this Court that applicant Smt. Nachattar Kaur is a senior citizen. Smt. Nachattar Kaur filed her MACT case first in point of time at Moga and thereafter, Suninder Kaur @ Ravneet Kaur filed her MACT case at SAS Nagar (Mohali). Applicant-Nachattar Kaur is not having any regular source of income, whereas applicant-Suninder Kaur @ Ravneet Kaur is running her business of boutique at SAS Nagar (Mohali).

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that in view of the abovesaid undisputed fact situation obtaining in these cases, TA No.830 of 2015 filed by Smt. Nachattar Kaur deserves to be allowed, whereas TA No.517 of 2015 filed by Smt. Suninder Kaur @ Ravneet Kaur is

liable to be dismissed. It is so said because applicant-Nachattar Kaur is an old widow. If she is forced to pursue the litigation imposed on her by Smt. Suninder Kaur @ Ravneet Kaur by coming from Moga to SAS Nagar (Moga), it would amount denial of justice to Smt. Nachattar Kaur who is a senior citizen. Further, interest of justice demands that both the MACT cases are heard and decided together by the same learned Tribunal at Moga, so as to avoid any contradictory orders.

In view of what has been discussed hereinabove, TA No.830 of 2015 filed by Smt. Nachattar Kaur is hereby allowed and TA No.517 of 2015 filed by Smt. Suninder Kaur @ Ravneet Kaur is dismissed.

Accordingly, learned District Judge, SAS Nagar (Mohali) is directed to send the complete record of MACT case titled as Suninder Kaur @ Ravneet Kaur Vs. Harvinder Singh and others, to the learned District Judge, Moga 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, Moga is also directed to assign the abovesaid MACT case to the same learned Tribunal who is already trying the other MACT matter filed by Smt. Nachattar Kaur, so as to avoid any contradictory orders and for their early decision, in accordance with law.

With the abovesaid observations made and directions issued, both the abovesaid transfer applications stand disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

19.05.2016
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