

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

**TA No.42 of 2014 (O&M)
Date of decision: 26.4.2016**

Rubby Vaish

.. Applicant

Vs.

Tarsem Lal and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jasjit Singh, Advocate
for the applicant.

Mr. Hitesh Ghai, Advocate
for respondent No.1.

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 suit (Annexure P-3) titled as 'Tarsem Lal Vs. Sandeep Kumar and others', from Jalandhar to Ferozepur.

Notice of motion was issued and in the meantime, further proceedings before the learned trial court were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a child out of the wedlock. Applicant-wife, alongwith her child, is living with her parents at Ferozepur. Civil suit filed by the plaintiff-

respondent No.1, who is father-in-law of the applicant, is for permanent injunction, restraining the defendants-applicant from interfering in the peaceful possession of the plaintiff and his family members over the suit property, i.e. a residential house situated at Jalandhar. Distance between Ferozepur and Jalandhar is more than 100 Kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant transfer application deserves to be allowed. It is so said because applicant, alongwith her minor child, is living at Ferozepur whereas respondent is living at Jalandhar with his other sons. If the applicant is forced to pursue the litigation imposed on her by respondent No.1 while coming from Ferozepur to Jalandhar, it would amount to denial of justice to the applicant. In this view of the matter, this Court feels no hesitation to conclude that interest of justice demands transfer of the abovesaid civil suit from Jalandhar to Ferozepur.

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 filed by respondent No.1 is ordered to be transferred from Jalandhar to Ferozepur.

Accordingly, the learned District Judge, Jalandhar, is directed to send complete record of the civil suit to the learned

District Judge, Ferozepur, 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, Ferozepur, is also directed to assign the case to the learned court of competent jurisdiction, for an early decision, in accordance with law.

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**

26.4.2016
AK Sharma