

TA No.720-2014

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

TA No.720-2014

Date of decision: 27.01.2016

Ram Partap Puri

....Applicant

Versus

Ujjal Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Gurcharan Dass, Advocate,
for the applicant.

Mr. Prateek Pandit, 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 No.547 dated 26.11.2010, titled as 'Ujjal Singh vs. Ram Partap Puri and another' (Annexure P-1), from the Court of Sh. Amit Thind, learned Additional Civil Judge (Sr. Divn.), Kapurthala to the Court of learned Civil Judge (Sr. Divn.), Ludhiana where civil suit No.2500 of 2013, registration No.35650/2013 and Code No.200400025002013 was pending for 22.01.2015 with regard to the same property.

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

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Learned counsel for the applicant contends that the applicant is 76 years old. A civil suit filed by the applicant with regard to same property has already been transferred from Kapurthala to Ludhiana vide order dated 09.05.2011 passed by a Coordinate Bench of this Court. The applicant is unable to attend the court on every date at Kapurthala.

Per contra, learned counsel for respondent No.1 vehemently opposes the contentions of learned counsel for the applicant and contends that the applicant being plaintiff in civil suit is not required to appear on each and every date in the Court at Kapurthala.

I have considered the rival contentions of learned counsel for the parties.

Admittedly, on the application moved by the applicant being plaintiff, civil suit No.2500 of 2013, registration No.35650/2013 and Code No.200400025002013 has been transferred from Kapurthala to Ludhiana vide order dated 09.05.2011 passed by a Coordinate Bench of this Court. The applicant has now approached this Court for transfer of the another civil suit (Annexure P-1) on the ground that it is also with regard to the same very property. In view of above and in order to avoid any conflict of judicial opinion, application is allowed. Civil suit No.547 dated 26.11.2010, titled as 'Ujjal Singh vs. Ram Partap Puri and another' (Annexure P-1), is withdrawn from the Court of Sh. Amit Thind, learned Additional Civil Judge (Sr. Divn.), Kapurthala and is transferred to the Court of learned Civil Judge (Sr. Divn.), Ludhiana where civil suit No.2500 of 2013, registration No.35650/2013 and Code

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No.200400025002013 is pending. It is made clear that both the suits shall be decided by one court so that issue of conflict of decision does not arise. The entire record of civil suit (Annexure P-1) shall be sent to the transferee court immediately. Learned counsel for the applicant states that civil suit is pending before the concerned court at Ludhiana for 04.02.2016. The parties through their counsel are directed to appear before the transferee court on 04.02.2016.

Disposed of.

A copy of this order be sent through FAX/e.mail to learned District Judges, Kapurthala and Ludhiana for compliance.

27.01.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge