

TA No. 509 of 2016
TA No. 510 of 2016
TA No. 514 of 2016

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

1. TA No. 509 of 2016
Date of decision: 6.2.2017

Ravneet Kaur and another

...Applicants

Versus

Ajit Singh and another

...Respondents

2. TA No. 510 of 2016

Ravneet Kaur

...Applicant

Versus

Ajit Singh

...Respondent

3. TA No. 514 of 2016

Ravneet Kaur and another

...Applicants

Versus

Ajit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Tarunvir Singh Lehal, Advocate
for the applicants.

Mr. Satpreet Grewal, Advocate.

Mr. Sumit Narang, Advocate
for respondent No. 19 in TA No. 514 of 2016.

TA No. 509 of 2016
TA No. 510 of 2016
TA No. 514 of 2016

RAMESHWAR SINGH MALIK, J. (Oral)

Vide this common order, three transfer applications bearing TA Nos. 509, 510 and 514 of 2016 are being proposed to be decided together. However, for the facility of reference, facts are being culled out from TA No. 509 of 2016.

By way of these three transfer applications between the same parties, three civil litigations are being sought to be transferred by applicant/daughter-in-law from Dasuya, District Hoshiarpur to Jalandhar. Particulars of the civil suits, sought to be transferred, are as under:-

1. Civil suit No. 139 of 2016 titled as Ajit Singh Vs. Ravneet Kaur and others in TA No. 509 of 2016.
2. Civil Suit No. 140 of 2016 titled as Ajit Singh Vs. Ravneet Kaur in TA No. 510 of 2016.
3. Civil suit No. 876 of 2013 titled as Ravneet Kaur and another Vs. Ajit Singh and others in TA No. 514 of 2016.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant No.1, alongwith her minor child, is staying with her parents at Jalandhar. After the death of husband of applicant No.1, her in-laws have filed different litigations qua the property left behind by her husband. Some litigations, at the instance of applicant No.1, are also pending at Jalandhar. Three sons of the respondents are practicing Advocates at Dasuya, because of which, applicant is having a bonafide apprehension that she may not get due justice in pursuing the litigation imposed on her at Dasuya. Having said that, this Court feels no hesitation to conclude that it is just and expedient to transfer

TA No. 509 of 2016
TA No. 510 of 2016
TA No. 514 of 2016

3

abovesaid three civil suits pending between the parties from Dasuya to Jalandhar.

The view taken by this Court also finds support from the following judgments of the Hon'ble Supreme Court, as well as different High Courts, including this Court: -

- 1. Mrs. Maneka Sanjay Gandhi and another Vs. Miss Rani Jethmalani, AIR 1979 (SC) 468.***
- 2. Dr. Subramaniam Swamy Vs. Ramakrishna Hegde, 1990 (1) SCC 4.***
- 3. Neelam Kanwar Vs. Devinder Singh Kanwar, 2000 (10) SCC 589.***
- 4. Sumita Singh Vs. Kumar Sanjay and another, AIR 2002 (SC) 396.***
- 5. Mangla Patil Kale Vs. Sanjeev Kumar Kale, 2003 (10) SCC 280.***
- 6. Fatema Vs. Jafri Syed Husain @ Syed Parvez Jafferri, AIR 2009 (SC) 1773.***
- 7. Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 (SC) 1374.***
- 8. Kulwinder Kaur @ Kulwinder Gurcharan Singh Vs. Kandi Friends Education Trust and others, AIR 2008 SC 1333.***
- 9. Nisha Vs. Dharmenda Pratap Singh Rathore, 2015 (3) All. LJ 168.***
- 10. M.V. Rekha Vs. Sathya, 2011 (2) HLR 34.***
- 11. Sneha Vs. Vinayak, 2013 ILR (Karnataka) 165.***
- 12. Rimpal Vs. Balinder Kumar, 2010 (7) RCR (Civil) 286.***
- 13. Anju Vs. Sanjay, 2011 (6) RCR (Civil) 112.***

TA No. 509 of 2016
TA No. 510 of 2016
TA No. 514 of 2016

4

***14. Komal Devi @ Komal Kumari @ Komal Rani Vs.
Harbhajan Singh, 2012 (8) RCR (Civil) 84.***

The relevant observations made by the Hon'ble Supreme Court in **Dr. Subramaniam Swamy** (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)”

TA No. 509 of 2016
TA No. 510 of 2016
TA No. 514 of 2016

5

The above-said law laid down by the Hon'ble Supreme has also been followed by this Court in order dated 16.03.2016 passed in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal) and TA No.797 of 2015 (Jagroop Kaur Vs.Varinder Singh Bhela @ Tony) which, in turn, were based on the judgments of the Hon'ble Supreme Court, as well as different High Courts, including this Court.

Accordingly, the learned District Judge, Hoshiarpur, is directed to send complete record of the abovesaid civil suits to the learned District Judge, Jalandhar, 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, Jalandhar, is also directed to assign the abovesaid civil suits to one learned court of competent jurisdiction, for an early decision, in accordance with law and also to avoid contradictory orders.

With the above-said observations made and directions issued, all these three transfer applications stand disposed of, however, with no order as to costs.

6.2.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No