

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.891 of 2016
Date of decision: 24.01.2017

Standard Corporation India Ltd.

... Applicant

Vs.

M/s Happy Forging Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Harsh Goyal, Advocate for
Mr. Tribhawan Singla, Advocate
for the applicant.

Mr. Karan Gupta, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant, by way of instant transfer application under Section 24 of the Code of Civil Procedure (for short 'CPC'), seeks transfer of a civil suit for recovery filed by the respondent from Ludhiana to Barnala.

Notice of motion was issued. Reply filed on behalf of the respondent in the Court today, is taken on record and copy thereof has been supplied to learned counsel for the applicant.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant filed suit for rendition of account at Barnala at the first instance. After having been served in the suit filed by the applicant, respondent filed his separate suit for recovery at Ludhiana. It is also not in dispute that both the suits filed by the parties against each other at Barnala as well as at Ludhiana, are arising out of

same transaction. In this view of the matter, it goes without saying that set of evidence would be almost the same and overlapping. In such a situation, two different suits arising out of same transaction cannot be permitted to proceed at different stations, so as to avoid contradictory judgments in both the suits between the same parties. Having said that, this Court feels no hesitation to conclude that it is just and expedient to transfer the suit for recovery filed by the respondent from Ludhiana to Barnala, so that both the suits are clubbed and heard together by the same learned Court of competent jurisdiction.

In view of the above, instant transfer application is allowed and the suit for recovery filed by the respondent is ordered to be transferred from Ludhiana to Barnala.

Consequently, learned District Judge, Ludhiana is directed to send complete record of the abovesaid suit to the learned District Judge, Barnala, 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.

Learned District Judge, Barnala is also directed to assign the abovesaid suit to the same learned trial Court who is hearing the suit filed by applicant, for an early decision of both the suits, in accordance with law.

With the abovesaid observations made and directions issued, instant transfer application stands disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

24.01.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No