

TA No. 1051 of 2017

Date of Decision: 16.12.2017

Santokh Singh

---Applicant

versus

Manjit Kaur

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Ms. Ferry Sofat, Advocate
for the applicant(s)**

Rekha Mittal, J.

This order will dispose of Transfer Application Nos. 1051 to 1053 of 2017 as identical questions of law and fact are involved.

The sole submission made by counsel for the applicant is that as the applicant is 66 years old, it is difficult for him to travel 60 Kms on the date fixed for attending to the proceedings pending in the Court at Malerkotla.

Perusal of the materials would reveal that two of the civil suits sought to be transferred have been filed by Pranpreet Singh and Ekamjot Kaur minors through their maternal grand father (applicant herein) for recovery of damages and maintenance under the Hindu Minority and Guardianship and Maintenance Act, 1956. The third case is a petition filed by Manjit Kaur paternal aunt (Bua) of the minors seeking their custody as the children are residing with their maternal grand parents. The mere fact that the applicant is aged about 66 years does not constitute a ground for transfer of the cases particularly when there is hardly any distance between the two places and personal appearance of the applicant is not required on

every date of hearing. This apart, the applicant is a resident of village Hargana and not of Fatehgarh Sahib, therefore, he has to travel from his village to Fataehgarh Sahib for attending to the proceedings in case the cases are transferred. In addition, in one of the suits filed by the minors claiming recovery of Rs. 50 lakhs on account of damages etc., three women namely Gurmeet Kaur, Manjit Kaur daughters of Balbir Singh and Paramjit Kaur widow of Gurwinder Singh have been impleaded on the array of defendants.

For the foregoing reasons, the applications fail and are accordingly dismissed.

(Rekha Mittal)
Judge

16.12.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No