

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

TA No. 722 of 2017(O&M)

Date of decision: 5.9.2017

Raghubir SinghApplicant

VERSUS

Paramjit Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Inderjit Sharma, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of civil suit titled **Paramjit Singh Vs. Narinder Kaur and others** from the Court of Civil Judge (Junior Division) Amritsar to a Court of competent jurisdiction at Gurdaspur or Pathankot.

The plea of the applicant is that Paramjit Singh respondent/plaintiff has filed a suit in respect of three properties detailed in head-note of the plaint as A, B and C. Counsel would urge that the properties detailed under heading A and B are situated outside the local jurisdiction of the Court at Amritsar whereas property C is situated at Amritsar. It is further submitted that dispute with regard to property C is between the plaintiff and his three sisters only, arrayed as defendants No.2 to 4. According to counsel, since large part of the property in dispute is situated outside the local limits of jurisdiction of the Court at Amritsar and records pertaining to those properties are also available at Pathankot and Gurdaspur, the suit may be transferred to either of the Courts. There are 82

defendants in the case and except defendants No.2 to 4, other have nothing to do with property C, thus, transfer of the civil suit from the Court at Amritsar to a Court at Pathankot or Gurdaspur would cause convenience for the petitioner and other defendants in the case. Another submission made by counsel is that the respondent/plaintiff could file a separate suit in regard to property C but he has intentionally joined property C in the suit to create a forum of his convenience.

I have heard counsel for the applicant, perused the paper-book and various annexures appended with the petition.

The plaintiff has filed a civil suit in respect of three properties and in view of the provisions of Code of Civil Procedure, 1908 he could file the suit at any of the places where any of the properties, subject matter of the suit, are situated. The civil suit does not admit presence of defendants in person on each and every date of hearing. The physical distance between the two places is only 90 KMs. This apart, the respondent/plaintiff is dominus litus and the defendant is nobody to ask him to proceed with his remedy in a particular manner. Counsel has not appreciated that filing of two separate suits would invite different legal complications in view of the provisions of Order 2 CPC. Under the circumstances, no justifiable reason is made out for transfer of the case at the behest of one of the defendants.

For the foregoing reasons, the petition fails and is accordingly dismissed.

SEPTEMBER 5, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no