

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

**T.A. No.426 of 2017 (O&M)
Date of decision : April 20, 2018**

Swaranjit Singh

..... Petitioner

Versus

Kanchanjit Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Navjinder Singh Sidhu, Advocate for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner seeks transfer of a Civil Suit No.134, dated 13.07.2009 for permanent injunction filed by the petitioner, titled as ***“Swaranjit Singh vs Kanchanjit Singh”***, pending in the Court of learned Addl. Civil Judge (Sr. Divn.), Sri Muktsar Sahib to a Court of competent jurisdiction at Bathinda.

Reply filed in the Court today, is taken on record.

Heard.

Learned counsel for the petitioner contends that the petitioner is a senior citizen. Earlier, this Court had transferred two suits from Sri Mukatsar Sahib to Bathida Courts on the ground that the petitioner is a senior citizen. The said suits were filed by his son against him and his daughter.

It is further contended that earlier the matter was compromised in the Mega Lok Adalat in the year 2012 and the said order was set aside by this Court and now the case is continuing.

After considering the contention put forth by the petitioner, this Court is of the view that the aforesaid civil suit cannot be transferred. The present suit was filed by the petitioner himself for permanent injunction at Sri Mukatsar Sahib Courts, stating that the property is situated there. From the year 2009 to 2012, the matter was tried at Sri Mukatsar Sahib Courts and there was no plea to transfer the case. In the year 2012, the matter was compromised but later on the said order was set aside by this Court. The disputed property is situated at Sri Mukatsar Sahib. The petitioner is otherwise to visit Sri Mukatsar Sahib to protect his property. Therefore, the mere fact that the petitioner has become a senior citizen, is no ground to transfer the aforesaid case from Sri Mukatsar Sahib Courts to Bathinda Courts.

It is also contended that the respondent is an Advocate by profession and practicing at Sri Mukatsar Sahib Courts.

However, the address of the respondent in the present petition is that of S.A.S. Nagar, Mohali. It is not possible for the respondent to go from S.A.S. Nagar, Mohali to Sri Mukatsar Sahib Courts to practice there. The said ground is also not available. Therefore, there is no merit in the present petition.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

April 20, 2018
sarita

Whether speaking / reasoned Yes

Whether Reportable: No