

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

T.A. No. 626 of 2018 (O&M)

Date of decision : 11.12.2018

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Rajwinder Kaur

.....Applicant

vs.

Baljit Kaur and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. A.S. Ahluwalia, Advocate for the applicant

Mr. H.S. Jalal, Advocate for respondent No.1

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H. S. Madaan, J. (Oral)

Applicant- Rajwinder Kaur has filed the present application seeking transfer of a civil suit filed by her mother-in-law Baljit Kaur having title ' Baljit Kaur vs. Rajwinder Kaur and others', pending in the Court of Civil Judge (Junior Division), Bathinda, contending that she is a woman, working as Assistant Manager in Andhra Bank, Near Arti Chowk, Ludhiana; on account of matrimonial dispute between her husband, she had to leave the matrimonial home alongwith minor child. Her mother-in-law has filed a civil suit against her and Andhra Bank, Bathinda, through its Branch Manager, which is pending in the Court of Civil Judge (Junior Division), Bathinda. It would be difficult for her to travel from Ludhiana to Bathinda, to attend the dates of hearing, more particularly when she is to look after her minor daughter, who is in her custody.

The application is being opposed on behalf of respondent No.1.

I have heard counsel for the applicant, counsel for respondent No.1, besides going through the record.

As regards the contention that application Rajwinder Kaur, is a young woman of 28 years, as such it would be difficult for her to travel, respondent Baljit Kaur is stated to be a woman aged about 65 years, so inconvenience to her would be much more if she is to travel from Bathinda to Ludhiana, to attend the dates of hearing in Court there. The mortgaged property is also stated to be located within the jurisdiction of court at Bathinda. Since it is a civil dispute, personal appearance of the applicant in those proceedings, on each and every date of hearing, is not required and she can appear through her counsel or some authorized agent.

Under the circumstances, no ground to allow the application is made out. The application stands dismissed accordingly.

11.12.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No